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ABSTRACT

Intended to link civic education curriculum, instruction, and assessment, this guide is directed to those educators who are looking for ways to authentically assess students in the area of civic education. The handbook is designed to connect content and the broader goals of preparing youth to participate in democratic society. It is based on the belief that law-related education (LRE) is among the best programs to promote citizenship and reflective thinking; that current assessment practices in LRE programs are inadequate and that models of authentic assessment are needed; and, that unless authentic assessment models are developed within its framework, civic education may be in danger of being lost within the current educational climate. The handbook is also based on the experiences of several classroom teachers in five states--Colordao, Illinois, Michigan, Oregon, and Washington. The teacher participants expressed an interest in working with the directors of their state law projects and assessment experts to develop new assessment strategies for use in their classrooms. The handbook is divided into two sections. Section 1 defines the relationship of authentic assessment to civic education, identifies the essential learnings of civic education, and reports the ways teachers might revise and alter assessment and instruction using authentic assessment instruments. Section 2 identifies and describes authentic assessment techniques that may be used in conjunction with a variety of instructional techniques and activities commonly associated with LRE. An appendix profiles contributors to the publication. (TSV)

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PREPARING CITIZENS

Linking Authentic Assessment and Instruction in Civic/Law-Related Education

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Field Test Edition

SO 027 693

Social Science Education Consortium
January 1995

PREPARING CITIZENS:

LINKING AUTHENTIC ASSESSMENT AND INSTRUCTION IN CIVIC/LAW-RELATED EDUCATION

Field Test Edition

Barbara Miller and Laurel Singleton

Social Science Education Consortium
3300 Mitchell Lane, Suite 240
Boulder, CO 80301-2296

January 1995

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This book is the product of a two-year Department of Education-funded project in which Social Science Education Consortium (SSEC) staff worked with state LRE project directors and teachers from five states: Colorado, Illinois, Michigan, Oregon, and Washington. The book reflects the work of the participating teachers, as they tried to improve the link between instruction and assessment in their classrooms. We are deeply grateful to the state project directors and teachers for their efforts throughout this project:

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Nancy Deese, Naperville North High School

Michigan

Linda Start, State Project Director
Greg Clevenger, Okemos High School

Oregon

Marilyn R. Cover, State Project Director
Theresa Murray, Beaumont Middle School, Portland

Washington

Margaret Fisher, State Project Director
Rick Nagel, Franklin High School, Seattle
Roger Westerman, Wilson High School, Tacoma

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In 1995, we are entering a new phase of the project, examining technical issues and issues related to equity, as well as expanding the project to include new teachers and new forms of staff development. If you are interested in more information about the project's second phase, please contact us at SSEC, 3300 Mitchell Lane, Suite 240, Boulder, CO 80301-2296.

Barbara Miller, Project Director
Laurel Singleton, Project Associate

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Introduction

What would you picture if you were asked to imagine the ideal high school graduate? What would you picture if asked to imagine the ideal citizen? Surely you would not picture someone who merely earned good grades, did well on standardized achievement tests, or could recite many discrete bits of information. Instead, you would probably picture someone who had a passion for excellence, who habitually paid attention to the quality of his or her work, and whose work habits produced, over time, high-quality products and performances. Your image would also include someone with the ability, indeed the habits of mind, to analyze, interpret, synthesize, and evaluate facts and ideas in a thoughtful manner. Moreover, you would want the high school graduate—and the citizen—to habitually, thoughtfully, and reflectively apply knowledge rather than simply being able to recite bodies of information.

We believe that in order to help young people achieve the ideal described above, teachers must work to improve the link between civic education curriculum, instruction, and assessment. The purpose of this handbook is to assist educators in that task. The resource is directed to those educators who are looking for ways to link the content of their courses (skills and knowledge) to the broader goals of preparing youth to participate in a democratic society. It is part of an effort to support teachers in inquiring deeply into the teaching-learning process in the context of civic education and in making assessment a more productive part of the teaching-learning process.

Reflection/Exercise

What is your image of the ideal high school graduate/citizen? What would you want this young adult to know, be able to do, and value as he/she enters adult life in your community? List your responses. Then consider how you would know if a student has attained this knowledge, skills, and attitudes? How could you assess the extent to which a student met your "ideal" standard?

Role of This Handbook in Improving Assessment

This handbook is based on several beliefs:

◆ Law-related education (LRE) is among the best programs of curriculum and instruction to promote citizenship and reflective thinking—learning outcomes stressed in many educational reform reports and in the emerging national standards.

- ◆ Current assessment practices in LRE/civic education are inadequate to assess student achievement in LRE, particularly in terms of higher order learning outcomes. Models of authentic assessment in law-related education are needed.
- ◆ Unless methods and materials are developed and used to authentically assess such learning outcomes, civic education may be in danger of being lost within the current educational climate.

This handbook is the product of a Social Science Education Consortium (SSEC) project funded by the U.S. Department of Education. As an initial step in that project, the SSEC in 1992 conducted a survey of 125 teachers of law-related education regarding their needs and interests related to assessment. Teachers were asked to describe their current assessment practice, submit samples, and present concerns. The results indicated that teachers are very receptive to developing assessments that match their instructional strategies and the goals of civic education. They are quick to cite the shortcomings of standardized tests—particularly for measuring critical thinking and reasoning skills, which they see at the heart of citizen education. Teachers reported that they rarely use objective tests provided within curriculum packages; they do construct some objective tests. They reported using performance assessments and essay exams regularly. They are interested in formalizing and improving their current practice.

A close analysis of the survey responses and the samples submitted reveals, however, that the performance assessment that is taking place can best be described as anecdotal and informal. Teachers are likely to judge student performance through observation without defining clear, measurable goals or specifying criteria to students in advance. Thus, while teachers are interested in trying new methods of assessment, the work they are doing falls short of generally accepted standards for authentic performance assessment.

Transformation of assessment practices is a complex task. Civic education (like democracy) is a messy undertaking, and so is assessment. The important questions are difficult to reduce to multiple-choice responses. While multiple-choice tests can help us with some of the things we want to know, we need assessment strategies that capture the complexity of the concepts, reasoning skills, and depth of understanding that is central to good citizenship. We need tests that let us know about levels of thinking, and about interaction among individuals and groups. We need assessment tools that are as good as our best instruction.

The materials developed through this project have resulted from teacher-to-teacher discussion and fieldtesting of assessment tools. Each assessment strategy has been reconsidered, revised, and adapted for classroom use. Our experience indicates that teachers cannot simply review sample assessments and adopt their favorite ones for direct use in their classrooms. Because of the complexity of the assessment process, assessment tasks and scoring guides must be adapted to fit within the context of the individual teacher's classroom. This handbook therefore does not present answers but is designed to encourage an exchange of ideas. Models/processes in this handbook are presented not for adoption but rather for adaptation by teachers for use in their classrooms.

This handbook is not designed for those who are looking at assessments for large-scale use or as district or state accountability tools. The material in this handbook is designed for supposedly "low-stakes" uses (diagnosing need, help in redoing assignments, guidance in successfully completing assignments, assigning course grades) rather than high-stakes purposes (determining placement in courses, promotion, college admissions).

This handbook is also presented with the recognition that the current educational environment calls for standard setting. National and state reform efforts have produced documents that can help teachers and communities define what is important. High standards alone, however, will not improve student performance. We must also reevaluate instructional and assessment strategies, a process in which this handbook can play a part. We hope that teachers will find practical information here that will help them improve student learning by engaging in a process of self-reflection, self-critique, self-correction, and self-renewal.

Using the Handbook

This handbook is based on the experiences of several classroom teachers in five states—Colorado, Illinois, Michigan, Oregon, and Washington. The teacher participants in the project expressed an interest in working with the directors of their state law projects and assessment experts to develop new assessment strategies for use in their classrooms. The teachers have worked in very different contexts—middle school and high school, inner city and affluent suburb—and teach a range of content (U.S. history in middle school and high school, law elective courses in a magnet school, A.P. government, geography, and civics and American Problems). In spite of the differences, they shared a common goal—to broaden their assessment practices to capture a wider range of the skills and knowledge that they believe will be useful both academically and in the world beyond school.

Each of the participating teachers has had an opportunity to collaborate with LRE and assessment experts in writing or adapting assessments for use in his/her classroom. None of the participants has thrown out traditional multiple-choice and short-answer tests. All report that they are more self-conscious about their practice, including defining their instructional goals. Many report that they have changed their testing practice in significant ways—they share performance criteria with students, they have higher expectations for students, they offer clearer definitions about what quality work looks like and, as a result, students are more engaged in preparing for tests. Their stories inform the issues discussed in this handbook. Their stories are offered not as answers for your

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classroom or school district but rather as a departure point for reflecting on your own practice and developing assessments that get at what it is that you want to accomplish in preparing students for citizenship. (See the appendix for background on the contexts in which these teachers work.)

The handbook is organized so that individual teachers can consider their current classroom practice and adapt some of the ideas presented to their experience. The handbook also encourages teacher-to-teacher conversation about individual approaches to determining what students should be able to do as a result of completing a study of particular content and skills, setting standards, and assigning grades. Thus, we hope the handbook will also serve as a useful tool in workshops focused on social studies instruction and assessment.

We do not expect that readers will necessarily start at the beginning of the handbook and work their way through to the end. However, those that do follow this process will find that the first two chapters deal with important foundational questions: What do we mean when we say something is *authentic*? and What are the essential learnings in civic education, those outcomes that are most important to assess? The remaining chapters in the "Getting Started" section, Chapters 3 and 4, take readers through the process of creating and revising assessment tasks and scoring rubrics. The five chapters in Section II focus on specific assessment tasks useful in law-related/civic education, including discussion; such performance tasks as mock trials, moot courts, and simulated legislative hearings; writing; student-created products or projects; and portfolios. The final one-chapter section examines issues and challenges that teachers and our project face in making the change to more authentic instruction and assessment.

Organization of Handbook

Section I: Getting Started

- ◆ Chapters 1 and 2 look at important questions underlying a change to authentic assessment.
- ◆ Chapters 3 and 4 focus on developing and revising assessment tasks and scoring rubrics.

Section II: Exploring Assessment Tasks

- ◆ Chapters 5 through 9 discuss specific types of assessment tasks.

Section III: Looking Ahead

- ◆ Chapter 10 examines challenges and issues.

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Section I: Getting Started

Chapter 1: Defining Authenticity in Civic Education

If you wish to try authentic assessment, you will need to embark on a process of educating yourself. You will need to determine what you mean by authentic assessment and think through the reasons you want to use it. You will also need to identify the essential learnings that you want to assess. This chapter focuses on the first challenge—developing an understanding of what authentic assessment means in the context of civic education and why civic/law-related educators would embark on this effort. Chapter 2 focuses on the second question—identifying the essential learnings in civic education.

You will likely find the process of defining what is meant by *authentic assessment* challenging. The participants in the SSEC authentic assessment project certainly have. The terminology used to describe alternatives to traditional testing has very different meanings to different people. Some terms that seem straightforward—such as *performance*, *standard*, and *outcome*—have led to conflictual discussions at all levels. When terms become controversial, the terminology often changes, making the discourse even more complex. Because we believe there can be no substitute for doing your own investigation, we are not supplying a single definition of *authentic assessment*. We hope that by the end of this chapter, you will have begun the process of developing your own definition. Of course, in discussing authenticity, we make some assumptions about the characteristics of and rationales for authentic work. We hope these will be useful to you as you work toward your own understanding.

One Teacher's Journey: Using Assessment to Improve Instruction

Kathy Bell, teacher and division head at Mundelein High School in suburban Chicago, has taken time to learn more about authentic assessment. In the following essay (developed for the Constitutional Rights Foundation newsletter), Kathy presents a convincing case for focusing on assessment strategies as a means for improving instruction and achievement. She articulates a reaction to the grading/assessment process that may strike a chord with many teachers. As you read

Kathy's story, think about how the relationship between assessment and instruction changed in her classroom, as well as how the role of the student in the assessment process changed. What processes were critical in helping Kathy make these changes?

*Sitting at my kitchen table one beautiful October Sunday afternoon, I looked up from a huge stack of papers. Through the sliding glass doors, I could see the leaves just beginning to fall. As I put down my red pen, I realized that I had just read and graded over 700 papers in the first three weeks of my Introduction to Law class (three two-page case study analyses for each of my 120 students). With regret, I admitted that I didn't have a clue as to what, if anything, my students had learned. Being honest with myself, I admitted that I hated grading all those papers; and more distressing, my students didn't seem to care "two hoots" for my hand-written comments and the terrific advice. I observed with both sadness and mounting frustration that when class ended, much of my hard work landed in the recycle bin. And on the next case study, they proceeded to write more of the same *&^#%.*

"... With regret, I admitted that I didn't have a clue as to what, if anything, my students had learned...."

Like many teachers who want to know that their hard work really makes a difference, I wondered, "What am I doing wrong?" I also contemplated blaming my students for ignoring my advice—"Can I get revenge for those papers in the recycle bin?" I didn't need to grade papers that no one read.

I needed a new plan. How could I get my students to actually learn? To take the responsibility for their own learning? To grow? How could I measure that growth and remain sane? How would I know if they were really learning? Could students be taught to measure their own growth? One thought was to use the step method. I could hurl the papers down the basement steps and assign the lowest letter grade to those that hit the bottom step. Ripping their papers to shreds was a second choice.

Further reflection led me to the conclusion that I could control some of the factors that seemed to be limiting my effectiveness. As a result, I've tried new assessment strategies, and more importantly, raised the expectations that I hold for my students. I realized that I placed a great deal of value in asking students to do authentic work—mock trials and other simulations. Writing case studies was important for helping students analyze a set of facts and draw a conclusion as a result of the analysis. Developing critical thinking skills was a high priority. My students valued that part of the class that involved authentic work. Perhaps I needed to learn more about authentic assessment practices that promised to match the instructional strategies that I was successfully using in my classroom.

Over the past two years, I have taken advantage of an array of staff development activities and a school environment that encouraged me to explore, to take risks, and to challenge myself to think about what I'm doing and why I'm doing it. I've made some changes and with further reflection and feedback from my students and fellow teachers (some

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supportive and others skeptical), I know that I will continue to make adjustments in the types of evaluation that I use and ask my students to use.

In particular I have placed my efforts in two areas—writing as an assessment strategy and goal setting. An example of an assignment that combines the two is a letter that students wrote to their parents at progress report time. They reviewed their work products and assessed the effort that went into their learning in Law class and then they wrote and sent a second letter summarizing what they had learned and citing areas for improvement and plans for reaching goals. Follow-up letters were sent near the end of the semester reflecting on their progress (or lack thereof). This assignment informed both me and parents about their achievement and served the added purpose of helping me to adjust my instruction for future units. (See sample letter in Figure 1.1.)

I am still asking questions about assessment. More of my time is now spent working with students to clarify my expectations and to help them develop personal goals for what and how they will learn citizenship skills and legal concepts and procedures and their application to real life situations. Much of the time that I spent grading 700 case studies is now spent observing, listening, reading, and then coaching my students about work in progress. I want them to provide me with evidence of their achievement related to citizenship and law.

While I "cover" less material than I did in my teacher-centered classroom, I have more evidence about what my students are learning. They are definitely taking more responsibility for their own learning. I do have some concrete evidence that my reflection and modifications in assessment are paying off. For one thing—the recycle bin contains very little of my students' work. Instead, their files are bulging with drafts that eventually will be turned in for me to read and evaluate.

Reflection\Exercise

On a piece of paper, make two columns headed "Authentic" and "Assessment." Brainstorm a list of words associated with each of these terms. Select the most powerful words from each list and use them to create your own definition of *authentic assessment.*

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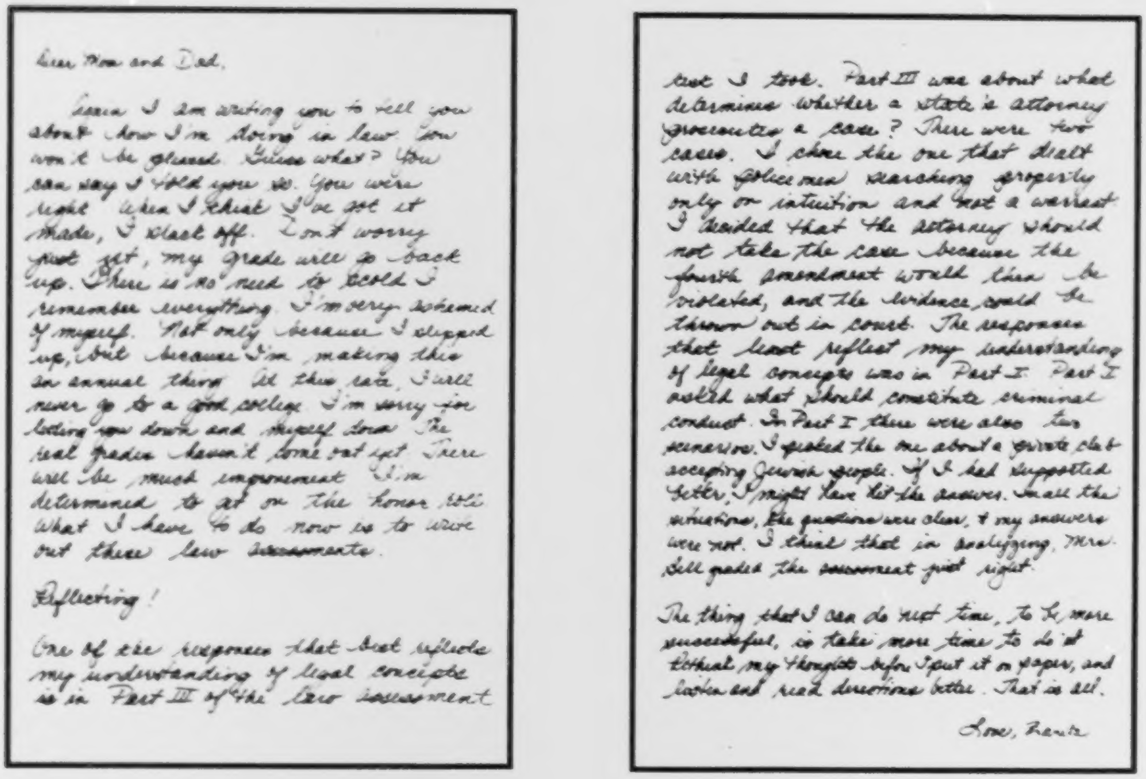

Dear Mom and Dad,

Again I am writing you to tell you about how I'm doing in law. You won't be pleased. Guess what? You can say I told you so. You were right when I think I've got it made, I slack off. Don't worry just yet, my grade will go back up. There is no need to scold. I remember everything. I'm very ashamed of myself. Not only because I slipped up, but because I'm making this an annual thing. At this rate, I will never go to a good college. I'm sorry for letting you down and myself down. The real grades haven't come out yet. There will be much improvement. I'm determined to get on the honor roll. What I have to do now is to write out these law assessments.

Reflecting!

One of the responses that best reflects my understanding of legal concepts is in Part III of the law assessment test I took. Part III was about what determines whether a state's attorney prosecutes a case? There were two cases. I chose the one that dealt with policemen searching property only on intuition and not a warrant. I decided that the attorney should not take the case because the fourth amendment would then be violated, and the evidence would be thrown out in court. The response that least reflect my understanding of legal concepts was in Part I. Part I asked what should constitute criminal conduct. In Part I there were also two scenarios. I picked the one about a private club accepting Jewish people. If I had supported better, I might have hit the answer. In all the situations, the questions were clear, & my answers were not. I think that in analyzing, Mrs. Bell graded the assessment just right.

The thing that I can do next time, to be more successful, is take more time to do it. Rethink my thoughts before I put it on paper, and listen and read directions better. That is all.

Love, Renita

Figure 1.1 Sample letter to parents from student in Kathy Bell's class.

Developing Definitions of Authenticity

The term *authentic* can be applied to nearly any aspect of a student's school experience. The teacher's goal may be to produce authentic achievement in a curriculum area, such as civic education. Authentic instruction is the means of achieving this goal; authentic assessment is a way to determine whether the goal is being met and what can be done to improve performance. While the multiple uses of the term illustrate the close connections between instruction and assessment, they can also make arriving at a definition difficult.

Fred Newmann and Gary Wehlage (1993) provide a starting point for defining authenticity. At the Center on Organization and Restructuring of Schools, which Newmann directs, the term *authentic* is used to "distinguish between achievement that is significant and meaningful and that which is trivial and useless." The criteria for judging authenticity are: "(1) students construct meaning and produce knowledge, (2) students use disciplined inquiry to construct meaning, and (3) students aim their work toward production of discourse, products, and performances that have value or meaning beyond success in school."

Newmann and Wehlage have also developed criteria for authentic instruction—instruction that produces authentic achievement (Figure 1.2). Higher order thinking requires students to use information and ideas. Manipulating information and ideas through such processes as synthesizing, generalizing, explaining, and hypothesizing allows students to "solve problems and discover new (for them) meanings and understandings."

Depth of knowledge refers to the "substantive character of the ideas in a lesson and to the level of understanding that students demonstrate as they consider these ideas." The ideas covered in a lesson should be central to the topic or discipline. Depth, according to Newmann and Wehlage, is "produced, in part, by covering fewer topics in systematic and connected ways."

Connectedness to the world deals with the extent to which learning has "value and meaning beyond the instructional context." Are students addressing real-world issues or problems? Are they drawing on their "personal experiences as a context for applying knowledge"?

The criterion related to substantive conversation assesses the extent to which students themselves engage in discussions that help them learn and understand the substance of a subject. Together, students develop "improved collective understanding of a theme or topic." The final criterion, social support for student achievement, refers to the extent that the teacher has high expectations for all students, that all members of the classroom community treat each other with respect, and that opportunities for all students to learn are provided.

1. Higher-Order Thinking

lower-order thinking only 1...2...3...4...5 higher-order thinking is central

2. Depth of Knowledge

knowledge is shallow 1...2...3...4...5 knowledge is deep

3. Connectedness to the World Beyond the Classroom

no connection 1...2...3...4...5 connected

4. Substantive Conversation

no substantive conversation 1...2...3...4...5 high-level substantive conversation

5. Social Support for Student Achievement

negative social support 1...2...3...4...5 positive social support

Figure 1.2 Five standards for authentic instruction.

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While this framework does not necessarily negate the need for traditional or less authentic instruction including memorization, repetitive practice, or silent study, it is based on previous research in which teaching for thinking, problem solving, and understanding has been shown to have positive effects on student achievement.

Reflection/Exercise

Think of your most successful civic education lesson. Did the lesson help students to become the "ideal citizen" you described earlier? To what extent did this lesson result in student products and/or performances? To what extent did the work that students produce have value beyond school? What type of discipline-based inquiry was required to complete the task? How was the student work connected to real issues? How did the students demonstrate depth of knowledge? reasoning ability? Did students engage in substantive conversation during the lesson? Was positive social support for achievement provided? Based on this analysis, to what extent did the lesson represent authentic instruction?

Kathy Bell's story and the discussion of authentic achievement and instruction make clear the close connection between curriculum, instruction, and assessment. Thinking about more authentic practice in any one of these areas necessarily involves thinking about the others as well. Newmann and Wehlage's criteria also help identify some key characteristics of authentic assessment: a focus on essential learning and the use of knowledge and skills in a "real-world" context. Other characteristics become clear through Kathy's story: changed roles for students and teachers in the assessment process. Teachers must identify clearly their criteria for high quality work and communicate those standards to students. They also become more involved in coaching, providing feedback to help students meet those criteria. Students meanwhile take a more active role. They are apprised of standards and assessment tasks prior to instruction and are encouraged to reflect on their own performance. Students in classrooms where authentic assessment is practiced will internalize the standards and routinely be reflective about their work.

An example can serve to illustrate what authentic instruction and achievement might look like in a civic/law-related education class. In a unit on the role of interest groups in forming public policy, students are assigned to five small groups; each group chooses a current public policy issue of concern to its members to research. By reading and conducting interviews, group members identify the various views on their issue, the arguments for and against each policy position, the groups supporting each position, and the strategies the groups use to influence public policy. Group members, either individually or collectively, determine the policy choice they support and prepare a strategy a group might use to advocate that option. To conclude the unit, students complete an assessment that involves writing letters to public officials advocating the positions they have taken. To successfully complete the unit, students must clearly construct meaning and produce knowledge, use disciplined inquiry to construct meaning, and create products with value beyond schools.

A law-related unit on individual rights provides another example. The teacher uses case study analysis as the primary method of instruction. Students read case studies, participate in moot court simulations, and discuss the development of constitutional principles over time. The assessment for the unit involves a scored discussion in which students examine a current issue related to individual rights (one the group has previously selected from the newspaper); each student must take a position on the issue, arguing both for and against the position, and draw at least one historical parallel. Again, the criteria for authenticity are clearly met in this unit, which involves in-depth study, the use of higher order thinking, and the production of the kind of discourse critical to citizenship in a democracy.

Like most civic/law-related educators, you can probably cite numerous examples of what you believe are authentic instruction in your own classroom. But, if you are like most teachers, you are less sure of whether your assessments are aligned with this rich instruction and/or measuring the most important aspects of student achievement. Teachers who are working to provide instruction that is authentic are seeking assessment techniques that reveal to students how well they are doing on tasks that parallel those they face in life beyond school.

There are at least three obvious points for embarking on the development of authentic assessment. Many proponents of outcome-based or standards-based education suggest beginning with the end—defining a task in which students would demonstrate understanding of content through application in a situation that might be similar to life. A second strategy for getting started is to pick a standard from national, state, or district documents and develop both the instructional and assessment plan to support the standard. Both of these approaches are discussed in Chapter 2. In other cases (as is illustrated in Chapters 3 and 4), a teacher chooses a lesson in which students are developing important content and then develops an assessment strategy that will capture what is being taught. Whichever starting point is selected, the work will not be done until all three—what is to be learned, how it is to be learned, and how the learning will be assessed—have been aligned to support each other in an authentic manner.

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Challenges and Questions Related to Authentic Assessment

Teachers often begin their work on authentic assessment with a number of questions on their minds. Often, their thinking on these questions evolves slowly as they gain more experience with this type of assessment. Some of these questions, which you may share, are discussed briefly below.

Is authentic assessment more subjective than traditional testing?

Many teachers of civic/law-related education have been attracted to the subject matter because it lends itself to application to the real world. Civic education, in their thinking, is ideal for such broad outcomes as problem solving and working collaboratively. Students readily learn content (both knowledge and skills) because it is authentic in terms of adult work; it has application to their lives. While we are attracted to the authentic, we often haven't adjusted our testing techniques to match our instruction. We effectively measure many of the content building blocks but not the complex thinking or ability to participate in civic discourse. Why do we rely on fill-in-the-blanks and multiple-choice tests to assess students on lessons in which we work so hard to teach complex thinking and deep content? Part of the answer is that teachers are very concerned that tests be "objective." They worry that assessments that involve their judgment or have no right/wrong answers are subjective and therefore less fair.

Reflecting this view is Rick Nagel, an experienced teacher in a law magnet program at Franklin High School in Seattle, Washington. Rick builds much of his course on student participation and has developed and used a range of performance assessment strategies. Rick argues that "regardless of what enthusiasts for authentic assessment may say, the criteria for scored discussion retain an irreducible quantum of subjectivity."

Why are teachers comfortable assuming the role of the authority figure when they give a traditional test, but reluctant to be the authority when judging complex skills? Jean Moon, director of the Center for Mathematics, Science and Technology in Education at Lesley College explains that judging these more complex learnings involves testing skills that many teachers have not had an opportunity to use ("Common Understandings" 1992). Yet, when teachers base their assessments on real-life processes and products from which they can derive exemplars, subjectivity may actually be reduced.

Kent Willman, a teacher at Longmont (CO) High School, asks his fellow teachers to consider that questions on "objective" tests may be more subjective than a test in which you observe students and give feedback. He points out that the process of selecting questions for the test is subjective, as is the wording of the questions and the latitude allowed for "right" answers. Furthermore, he points out, outside of school, citizens are rarely called on to provide memorized information. Rather, they make reasoned, thoughtful decisions based on relevant knowledge. Kent prefers to ask significant questions and give students leeway in responding rather than ask timid questions that have obvious right answers.

Reflection/Exercise

How subjective are your traditional tests? Ask a colleague who teaches the same course for a copy of a test that assesses content you cover. Compare your colleague's test with the test you use for the same subject matter. How many questions are the same? What differences are most apparent? How would you justify the questions you chose at the expense of those you did not include? What does this comparison suggest about the subjectivity involved in choosing questions?

How does a focus on assessment impact student learning?

Several teachers provide evidence that use of authentic assessment tends to increase student motivation to learn.

Another Washington state teacher, Roger Westman of Tacoma, is comfortable giving grades using his skills as an experienced observer: "I know levels of performance like Potter Stewart knows pornography . . . I recognize it when I see it." His students, however, did not know it when they saw it. He found that by carefully defining criteria and letting students in on what those criteria were produced better student work. He found that spelling out what he meant by "high quality work" or A work was far more difficult that he expected—but worth the effort.

Kathy Ratte, an economics and history teacher in Jefferson County, Colorado, vocalized the experience of several others when she found that initially her grades were lower when she defined criteria in advance and used them to score student work. "I'm less likely to grade on personality or effort. The use of rubrics led me to believe that some of my scores on similar assignments may have been a bit inflated." Thus, Kathy's standards were higher when she experimented with authentic assessment.

A Michigan teacher, Deborah Teichman, found that some students produced much better work on a poster assignment than they usually do

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on a written test. She thinks perhaps her scores were higher than usual because she was being "subjective." "If a teacher wants one right answer, this type of assessment won't work for them." Another explanation could be that some students are better able to express themselves artistically than verbally and thus perform better when afforded the opportunity to use a new medium.

What are the advantages and disadvantages of involving students as evaluators?

Involving students in the assessment process has the benefits of encouraging them to internalize standards for high quality performance and to become reflective about their own learning and work. These qualities that can be developed through self-evaluation are desirable not only in students, but in citizens.

Many teachers have also found that peer evaluation can be a useful strategy, helping students internalize the standards and serving as a bridge between teacher evaluation and self-evaluation. Harry Willnus of Romulus High School in Michigan asks students to evaluate the performance of justices in the moot court. Here is Harry's thinking:

> *My purpose for involving students as evaluators of the performance of the justices in the moot court was that I wanted those who were watching the moot court to be more actively involved. The rubric made it very clear to performers what needed to be done to rate a strong performance; likewise, the observers knew what they needed to do. Regarding grades, I found that averaging ratings for each justice (discarding the 2 or 3 highest or lowest ratings) was superior to asking each justice to hand in a one-page reaction sheet. In time, all of us become evaluators every day of our lives in one way or another. I'm not at all uncomfortable with allowing students to evaluate each other. Student reaction was positive: "I found out that I really paid attention. I had to because I was grading the justices. Grading the justices made me feel as if my opinion really counted."*

Of course, there can be difficulties in peer evaluation. Fairly judging the work of friends or "enemies" can be a difficult task for adolescents. For students to be effective peer evaluators, time must be spent developing a common understanding of the levels of performance, as well as a climate of trust in which students can provide constructive feedback in a supportive manner.

How does authentic assessment link with grading practices?

In districts, schools, and classrooms across the country, the use of rubrics (see Chapter 3 for examples and definition) has raised issues of grading that most teachers haven't struggled with since their first years of teaching. While teachers generally work within a grading framework provided by the district, individual teachers have developed unique grading philosophies, which they often hold close to their hearts. Rubrics' clear delineation of expectations and standards bring those philosophies into the open for public scrutiny and comparison. Teachers all know that requirements for an A vary widely from classroom to classroom, but many parents and students are outraged by this fact. If the use of rubrics brings wider agreement among teachers as to standards, students stand to gain.

Many teachers proudly state that effort and ability are factors in their grading. These philosophical positions are difficult to reconcile with performance-based rubric descriptors. A huge area of subjectivity, if not bias, could be eliminated if achievement were the only basis for evaluation.

Finally, teachers who use rubrics may find themselves asked to convert these scores into grades for a report card or transcript. There is no easy way to convert these scores, as they come from different philosophical beliefs. Some teachers have decided that an A, for example, is truly exemplary performance, while a D is a good attempt at the task with significant parts or concepts inaccurately or incompletely done; they then find the rubric level to match these descriptions. This use of generalized descriptors seems to make the conversion easier and more fair. Other teachers insist on five levels of performance in their rubrics, to allow automatic conversion to A through F.

Thinking about conversion of rubric scores to traditional grades can often uncover conflicts with a district's grading philosophy. Many teachers believe, for example, that performance that does not meet the standard should not be considered passing. Thus, they would like the freedom to assign a grade such as IP (in progress) to any student who is not consistently meeting the standard. Such a practice may be in direct conflict with district policy, however. These issues will not be easily resolved.

Using rubrics has forced many professionals to revisit the limitations and inequities of the present grading system that have become acceptable due to long use, and rethink the purpose, fairness, and consistency of their own evaluation practice, a difficult but necessary exercise.

How can teachers find the time and expertise to develop explicit standards?

Having explicit standards for assessing student work is important and useful. Designing, administering, and scoring work takes time. A close analysis of the time spent by teachers in this project indicates that while more time is needed for some tasks, time spent in other ways is reduced. Generally speaking, teachers spend a great deal of time designing rubrics and articulating the outcomes to students. They spend less time clarifying assignments and less time scoring student work. In the case of teachers who viewed videotapes of discussions or mock trials, the scoring time was similar to that required to score essays.

Reflection/Exercise

What concerns do you have about embarking on an effort to assess student learning authentically? In a journal or notebook, write a few paragraphs about these concerns. Then think of some ways that you could use your classroom as a laboratory for studying the questions that you have. For example, if you question whether authentic assessments are indeed more "subjective" than traditional tests, you might plan to use both types of assessments for one or more units and compare the results.

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Chapter 2: Defining Essential Learnings in Civic Education

No matter how we as civic educators begin the task of assessing more authentically, we face critical questions about what we are teaching and assessing. What content (knowledge and skills) do students need to be effective citizens? To what degree should we focus on the structure of the disciplines of political science, law, and other social science disciplines? To what degree should we focus on "real-world" activities? At what points are these one and the same?

Due to the lack of consensus on a clear definition for citizenship education, this chapter can only suggest some starting points for thinking about what you want students to know and be able to do. As stated on page 11, one starting point is describing the desired outcome—what students will know and be able to do as citizens. Information about national standards can also serve as a starting point or checklist for evaluating and subsequently modifying what you are currently doing. Both of these starting points are discussed in this chapter.

Within the movement to define what it is that students should know and be able to do at the end of 12 years of schooling, the term citizenship has been used more often than any other as a rationale for a range of content standards and intervention programs. The term is particularly appealing to policy makers and employers, but also widely used by academics, journalists, and critics from both ends of the political spectrum. Yet the term remains vague and at times contentious.

The Center for Civic Education (CCE), the organization funded by the U.S. Department of Education to develop content standards for civics and government, explains that "education's civic mission has been recognized since the founding of the republic. Schools are to prepare informed, rational and humane citizens committed to the values and principles of American constitutional democracy." The *National Education Goals Report* of October 1991 recognized that responsibility in its third goal titled, "Student Achievement and Citizenship." This goal proclaimed that "by the year 2000...every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship." Moreover, if there were ever a time that cried out for "responsible citizenship, it is now. Disenchantment, apathy and anger too often describe the feelings of substantial numbers of the electorate" (Bahmueller and Branson, 1993).

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While the whole of society teaches lessons of citizenship directly and indirectly, special responsibility rests with those who teach courses and units of study that help students to consider the role of government and law, to look at public policy decisions, and to apply the skills of reading, writing, and quantifying to issues faced by citizens. These teachers must carefully consider the essential civic learning they will teach and assess, either individually or in the context of a larger effort such as the standards movement.

Reflection/Exercise

Figure 2.1 presents a sample test used for people seeking to become naturalized citizens of the United States. The Immigration and Naturalization Service has asked you to propose an alternative to the test. Try to design an authentic assessment that would determine whether prospective U.S. citizens hold the knowledge, skills, and dispositions you think the model citizen should have. Be prepared to explain why your assessment is more authentic than the test in Figure 2.1.

The Office of Citizen

One way to answer our questions about what knowledge and skills to teach and assess is to consider what knowledge and skills students will need to be effective citizens. What are the "real-world" challenges that citizens and their elected and appointed leaders face? What should schools ask students to do to demonstrate that they are prepared to live in and sustain a constitutional democracy? These are questions that civic educators have been asking for many years, yet no generally accepted answer has emerged. More than a decade ago, Richard Remy (1980) suggested that citizens need seven abilities in order to be effective citizens:

1. Acquiring and using information: competence in acquiring and processing information about political situations.

2. Assessing involvement: competence in assessing one's involvement and stake in political situations, issues, decisions, and policies.

3. Making decisions: competence in making thoughtful decisions regarding group governance and problems of citizenship.

4. Making judgments: competence in developing and using standards such as justice, ethics, morality, and practicality to make judgments about people, institutions, policies, and decisions.

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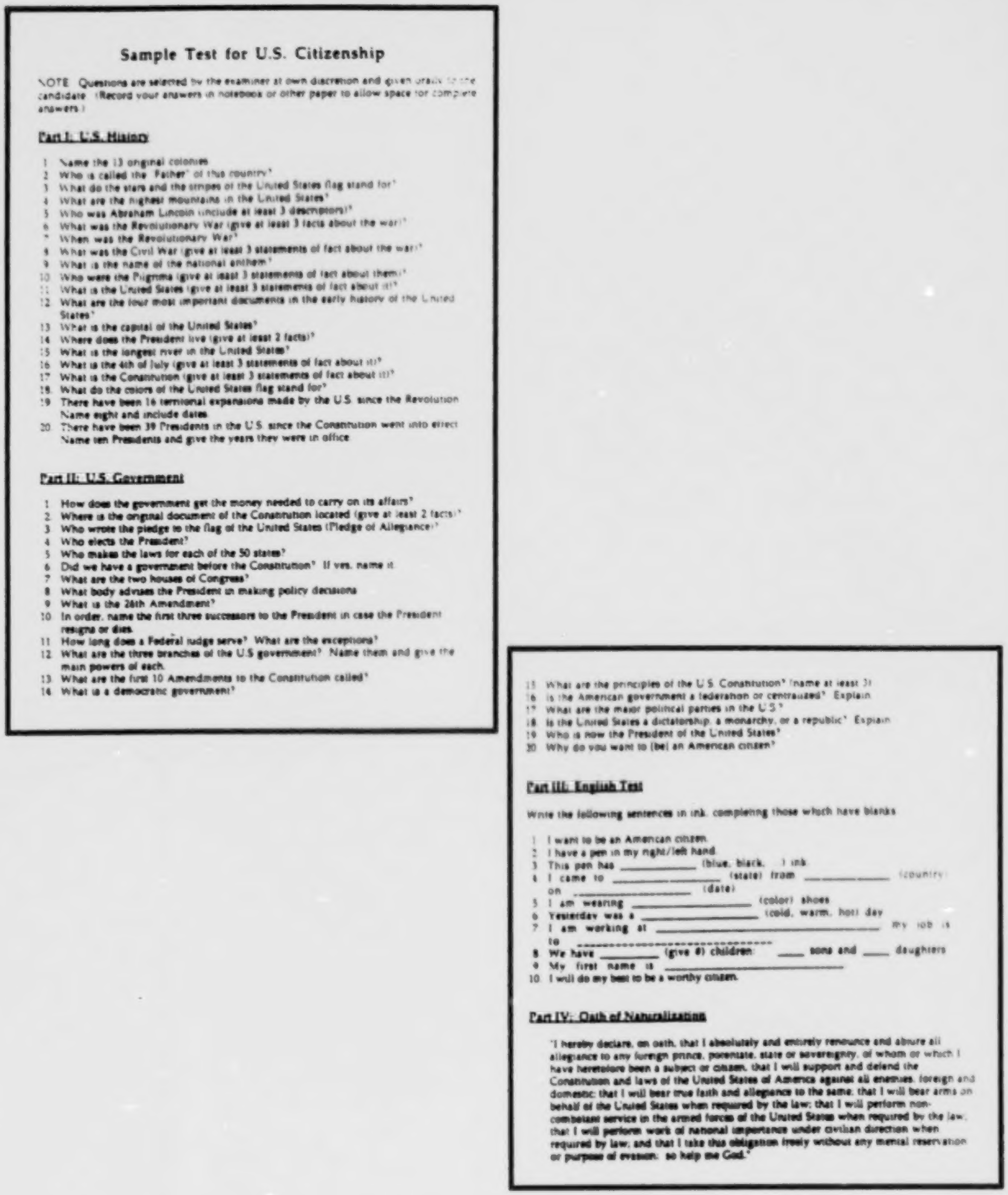

Sample Test for U.S. Citizenship

NOTE Questions are selected by the examiner at own discretion and given orally to the candidate (Record your answers in notebook or other paper to allow space for complete answers.)

Part I: U.S. History

1 Name the 13 original colonies
2 Who is called the "Father" of this country?
3 What do the stars and the stripes of the United States flag stand for?
4 What are the highest mountains in the United States?
5 Who was Abraham Lincoln (include at least 3 descriptions)?
6 What was the Revolutionary War (give at least 3 facts about the war)?
7 When was the Revolutionary War?
8 What was the Civil War (give at least 3 statements of fact about the war)?
9 What is the name of the national anthem?
10 Who were the Pilgrims (give at least 3 statements of fact about them)?
11 What is the United States (give at least 3 statements of fact about it)?
12 What are the four most important documents in the early history of the United States?
13 What is the capital of the United States?
14 Where does the President live (give at least 2 facts)?
15 What is the longest river in the United States?
16 What is the 4th of July (give at least 3 statements of fact about it)?
17 What is the Constitution (give at least 3 statements of fact about it)?
18 What do the colors of the United States flag stand for?
19 There have been 16 territorial expansions made by the U.S. since the Revolution. Name eight and include dates.
20 There have been 39 Presidents in the U.S. since the Constitution went into effect. Name ten Presidents and give the years they were in office.

Part II: U.S. Government

1 How does the government get the money needed to carry on its affairs?
2 Where is the original document of the Constitution located (give at least 2 facts)?
3 Who wrote the pledge to the flag of the United States (Pledge of Allegiance)?
4 Who elects the President?
5 Who makes the laws for each of the 50 states?
6 Did we have a government before the Constitution? If yes, name it.
7 What are the two houses of Congress?
8 What body advises the President in making policy decisions
9 What is the 26th Amendment?
10 In order, name the first three successors to the President in case the President resigns or dies.
11 How long does a Federal judge serve? What are the exceptions?
12 What are the three branches of the U.S government? Name them and give the main powers of each.
13 What are the first 10 Amendments to the Constitution called?
14 What is a democratic government?
15 What are the principles of the U.S. Constitution? (name at least 3)
16 Is the American government a federation or centralized? Explain
17 What are the major political parties in the U.S.?
18 Is the United States a dictatorship, a monarchy, or a republic? Explain
19 Who is now the President of the United States?
20 Why do you want to (be) an American citizen?

Part III: English Test

Write the following sentences in ink, completing those which have blanks

1 I want to be an American citizen.
2 I have a pen in my right/left hand.
3 This pen has ____________ (blue, black,) ink.
4 I came to ________________ (state) from ______________ (country) on ________________ (date)
5 I am wearing ________________ (color) shoes
6 Yesterday was a ________________ (cold, warm, hot) day
7 I am working at ______________________________ my job is to ______________________________
8 We have __________ (give #) children: ____ sons and ____ daughters
9 My first name is ________________________
10 I will do my best to be a worthy citizen.

Part IV: Oath of Naturalization

"I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen, that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform non-combatant service in the armed forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God."

Figure 2.1 Sample test for U.S. citizenship.

5. Communicating: competence in communicating ideas to other citizens, decision makers, leaders, and officials.

6. Cooperating: competence in cooperating and working with others in groups and organizations to achieve mutual goals.

7. Promoting interests: competence in working with bureaucratically organized institutions in order to promote and protect one's interests and values.

Fourteen years later, a task force of the National Council for the Social Studies (NCSS 1994) produced yet another list of performance expectations regarding students' learning related to civic ideals and practices; according to this list, the successful learner can:

1. Explain the origins and continuing influence of key ideals of the democratic republican form of government, such as individual human dignity, liberty, justice, equality, and the rule of law.

2. Identify, analyze, interpret, and evaluate sources and examples of citizens' rights and responsibilities.

3. Locate, access, analyze, organize, synthesize, evaluate, and apply information about selected public issues—identifying, describing, and evaluating multiple points of view.

4. Practice forms of civic discussion and participation consistent with the ideals of citizens in a democratic republic.

5. Analyze and evaluate the influence of various forms of citizen action on public policy.

6. Analyze a variety of public policies and issues from the perspective of formal and informal political actors.

7. Evaluate the effectiveness of public opinion in influencing and shaping public policy development and decision-making.

8. Evaluate the degree to which public policies and citizen behaviors reflect or foster the stated ideals of a democratic republican form of government.

9. Construct a policy statement and an action plan to achieve one or more goals related to an issue of public concern.

10. Participate in activities to strengthen the "common good," based upon careful evaluation of possible options for citizen action.

Walter Parker (1990) has taken this discussion a step farther, identifying six tasks that high school graduates should be able to do to qualify for the "office of citizen":

1. Select one pressing public controversy drawn from this month's newspapers, given three of the same [public controversies], and write an

analysis of the issues involved, take a position, argue both for and against the position, and draw at least one historical parallel.

2. Respond correctly to 95 percent of the items on the citizenship test given to immigrants seeking citizenship.

3. Describe the changing diversity and relations of ethnic groups in North America from the 12th century to today, and forecast a number of years (to be announced) hence.

4. Given three pressing international conflicts related to economic development, select one and summarize it in writing, addressing the role of climate, resources, and location, and sketch from memory a map of that region of the world.

5. Compare and contrast a diverse set of examples of societies organized and attempting to organize under the democratic ideal.

6. Analyze a transcribed excerpt of a discussion of a public issue, distinguishing among factual, definitional, and ethical issues, and judging the quality of each participant's contribution to the discussion.

While every educator might describe the qualifications for citizenship somewhat differently, thinking through these questions is a necessary step in determining what learning should be assessed authentically.

Reflection/Exercise

Compare the authentic assessment you developed in the exercise on page 18 with the lists of abilities or expectations provided in the section above. Which of these abilities or expectations would your task assess? What abilities or expectations are not measured by your assessment? Does your task assess any knowledge, skills, or dispositions not included in the lists above? Do you think these should be included in the description of the "office of citizen"? Could Walter Parker's list of tasks be helpful in improving your assessment?

National and State Standards

The recently developed national content standards are voluntary. Civic educators will want to review both the CCE and NCSS standards documents. They are intended to provide direction and focus to education in civics and government. Standards documents can help teachers be more clear about what they are teaching, stressing skills and concepts within the particulars of this area of study.

Unfortunately, in social studies the number of standards—in history, geography, civics/government, economics, and social studies generally—has provoked reactions ranging from incredulity to exasperation. The standards are so comprehensive and overwhelming, they fail to help teachers decide what is important for students to know and be able to do.

Despite these drawbacks, the standards can be useful to teachers, particularly in moving away from a fact-driven curriculum to a conceptually oriented one. The standards do identify, and quite clearly, the concepts and processes that students should know and be able to do. These "big picture" ideas, the ones that students need to grapple with to understand how the world works, can become the organizational foundation of each unit or authentic task that is taught and assessed.

Thanks to the content standards projects, teachers can now quickly identify a concept or important theme, and then use the time periods, locations, and information that they are "responsible' for teaching as the specific examples for students to learn from, and for teachers to assess. The standards can be enormously useful in helping teachers teach on a conceptual basis, thus enabling students to better make the connections that increase their understanding of the world. Identifying concepts is also very helpful in designing authentic tasks, as these demonstrations of knowledge and skills make the most sense when structured around concepts, rather than around discrete sets of facts.

For example, rather than taking students through a set of activities having to do with culture, the social studies teacher can focus on Geography standard 6, "Culture and experience influence people's perception of places and regions." Instruction immediately becomes more focused because the understanding that students need to attain is so much more specific than merely "culture." The teacher then can design his or her unit and task to provide opportunities for engagement and practice with this concept. Finally, the students can be assessed on a conceptual level as they, for example, communicate perceptions gathered through interviewing individuals of differing cultural backgrounds or discuss why two people may see the same event in differing ways. The depth and complexity of the analysis varies from elementary through high school, but the **concept** remains the organizing factor of both the instruction and the assessment.

As teachers gain familiarity with the standards and the process of designing units and tasks that are targeted toward the important conceptual and procedural knowledge of the social sciences, the value of the standards work will become apparent. Hopefully, students will begin to integrate their learning of various facts, dates and events into conceptual models that will provide them a reasonable understanding of the world, and perhaps increase their enjoyment of learning about other people and themselves. The K-12 curriculum, as it moves towards becoming standards based, can spiral meaningfully toward increasingly sophisticated knowledge on the part of students. Then, finally, states and

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school districts can begin the work of prioritizing the standards and deciding which understandings and skills are truly necessary for a high school diploma.

Reflection/Exercise

The following is a sample 9-12 standard from the *National Standards for Civics and Government*[*]:

“**B.5. Scope and limits of rights.** *Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.*

To achieve this standard, students should be able to

- explain what is meant by the “scope and limits” of a right, e.g., the scope of one's right to free speech in the United States is extensive and protects almost all forms of political expression; however, the right to free speech can be limited if and when that speech seriously harms or endangers others
- evaluate the argument that all rights have limits
- explain considerations or criteria commonly used in determining what limits should be placed on specific rights, e.g.,
    - clear and present danger rule
    - compelling government interest test
    - national security
    - chilling effect on the exercise of rights
    - libel or slander
    - public safety
    - equal opportunity
- evaluate positions on a contemporary conflict between rights, e.g., the right to a fair trial and the right to a free press; the right to privacy and the right to freedom of expression; one person's right to free speech versus another's right to be heard
- evaluate positions on a contemporary conflict between rights and other social values and interests, e.g., the right of the public to know what their government is doing versus the need for national security; the right to property versus the protection of the environment”

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Exercise cont'd.

Select a unit in your current course in which you do or could address this standard. If you were to adopt this standard as the essential outcome of that unit, what would be the implications for your curriculum? instruction? assessment? Would adopting this standard necessarily make your unit more concept-based? more authentic? Why or why not?

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Chapter 3: Transforming a Lesson and Designing A Scoring Rubric

In Chapter 2, we discussed the use of standards and outcomes, broadly construed, as starting points for teachers working toward more authentic assessment. For many teachers, however, the most logical starting point is a lesson currently being taught. For many teachers, a change in how learning is assessed can also mean significant changes in instruction. Too often, social studies lessons or units have one of the following problems:

- The teacher has identified important content, with an emphasis on the facts; sometimes the information is organized around a concept or generalization that the teacher wishes the students to internalize. Due to the need to cover the required time period or geographical area before the end of the year, the teacher instructs and the students take a test and/or write a paper, the unit ends, and the class moves on. As a result, the students never have the time to engage meaningfully with the facts and concepts in order to integrate them into their prior knowledge base. In a few weeks the students can recall little if any of their learning. A possible remedy is for the teacher to construct a task that enables the students to **use** the content and engage in higher order thinking. (This will obviously reduce the amount of time and space that can be "covered" over the year and so require the teacher, and ideally the entire school or department, to engage in discussions of what learnings are really essential.)

- The teacher has designed a product or performance that uses some pieces of content. Due to the perceived need to engage students, and sometimes due to a lack of strong expertise in the subject matter on the part of the instructor, the end products don't reflect understanding of content. In many cases the products may be quite attractive but are merely glorified "cut and paste" activities that give little or no indication of the students' understanding of or ability to use the information. In such projects the content is disorganized or meaningless, and the lack of higher order thinking is glaringly evident. Students may have opportunities to work on other skills during these units, but learning about essential social studies knowledge never takes place. A possible remedy is for the teacher to construct the final task based solidly on important concepts and to design opportunities for engagement in analysis of the **concepts**, so as to focus the efforts of the students on meaningful understandings.

Authentic tasks and assessment are the combination of three essential components: **knowledge, higher order thinking,** and **student production**, all of which must be present in any given task or assessment. When students are asked to engage in higher level thinking about important concepts, and to display this thinking in realistic, high quality products and performances, they truly have the opportunity to integrate knowledge and so become increasingly sophisticated in their understandings about the people and the world around them.

Case Study: Turning Points for Equality

During April, visitors to Campus Middle School in Cherry Creek (CO) pass through a gallery of student-created posters (enlargements of magazine pages) with the theme "Turning Points for Equality." The walls of the commons are lined with the illustrated stories of Dred Scott, Alan Bakke, the Montgomery Bus Boycott, John and Mary Beth Tinker, and Homer Plessy. Visitors to the school as well as students and teachers learn some of the important stories of U.S. citizens and the quest for equal rights.

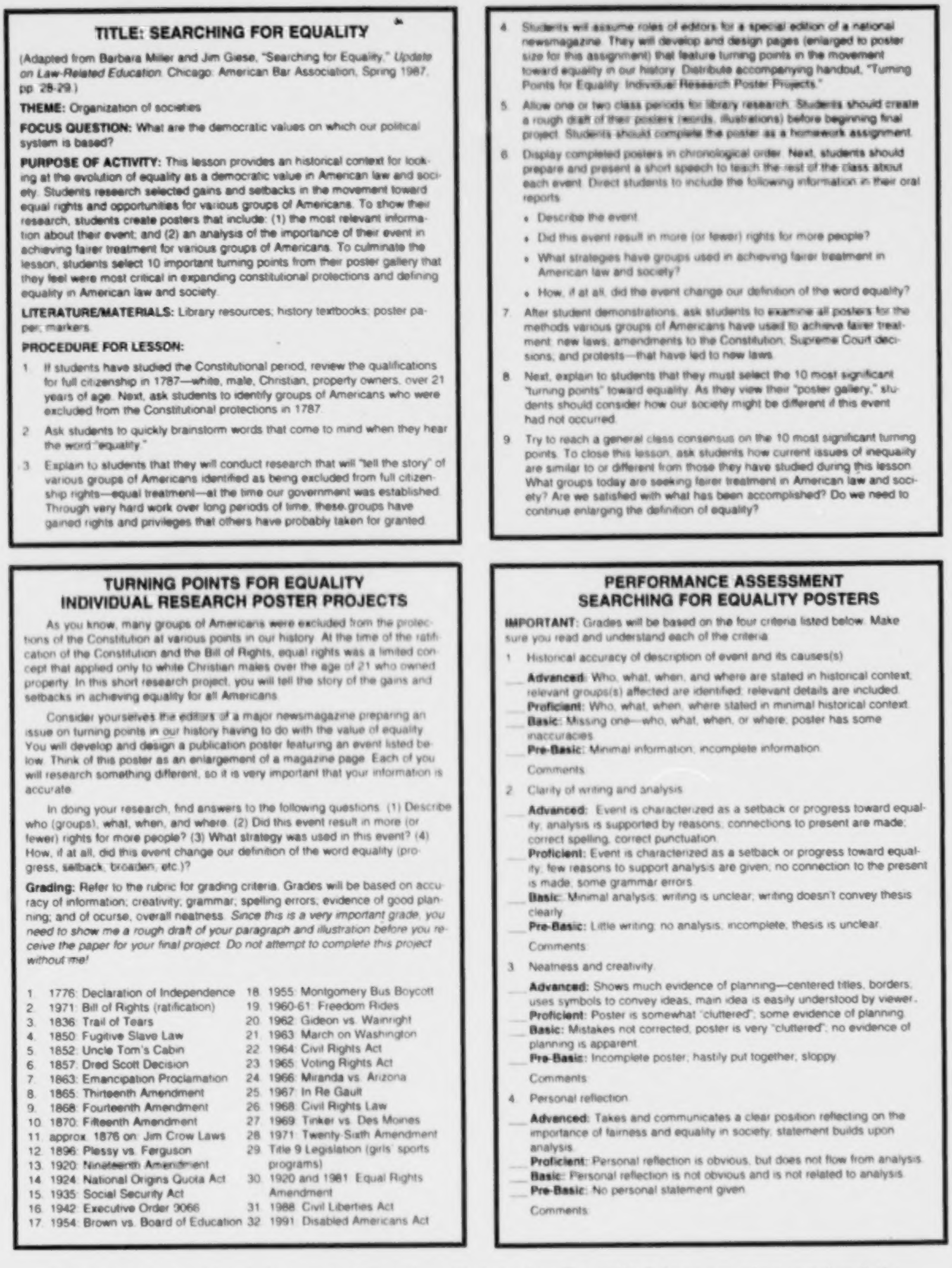
It is not unusual for people who see the exhibit to ask the students' teacher, Jackie Johnson, "How do you get this level of work from students?" Jackie thinks that some of her success is explained by emphasizing content within engaging, creative assignments. For her, this means that the tests as well as the lessons must be worthy of the students' best efforts.

Jackie's experience in transforming a successful lesson into a performance task by developing and testing a scoring rubric is presented here for your analysis. "Turning Points for Equality" (see Figure 3.1) is a lesson in which she sets high expectations for understanding content, thinking deeply, and creatively presenting information. She cautions that the lesson and her assessments are "works in progress."

Here are questions that Jackie has asked and answered as part of the process of improving a lesson using principles of authentic assessment.

1. *My first step was taking time to ask: Does this lesson result in something that I (and others) really value?*

My reason for putting a great deal of effort into "turning points" is giving students a big picture of the evolution of equal rights. Equality is an important and complex concept—particularly as it is linked to the Constitution. I want my students to look at this concept in a historical context by comparing many events and seeing the setbacks as well as the leaps forward. I strive for depth as well as a big picture. Thus, I asked students to research one event. I believe that, through the poster-making experience and the interaction and reflection that follows, the vast majority of my students absorbed a great deal of content in a short



TITLE: SEARCHING FOR EQUALITY

(Adapted from Barbara Miller and Jim Giese, "Searching for Equality," *Update on Law-Related Education*. Chicago: American Bar Association, Spring 1987, pp. 28-29.)

THEME: Organization of societies

FOCUS QUESTION: What are the democratic values on which our political system is based?

PURPOSE OF ACTIVITY: This lesson provides an historical context for looking at the evolution of equality as a democratic value in American law and society. Students research selected gains and setbacks in the movement toward equal rights and opportunities for various groups of Americans. To show their research, students create posters that include: (1) the most relevant information about their event; and (2) an analysis of the importance of their event in achieving fairer treatment for various groups of Americans. To culminate the lesson, students select 10 important turning points from their poster gallery that they feel were most critical in expanding constitutional protections and defining equality in American law and society.

LITERATURE/MATERIALS: Library resources; history textbooks; poster paper; markers.

PROCEDURE FOR LESSON:

1. If students have studied the Constitutional period, review the qualifications for full citizenship in 1787—white, male, Christian, property owners, over 21 years of age. Next, ask students to identify groups of Americans who were excluded from the Constitutional protections in 1787.
2. Ask students to quickly brainstorm words that come to mind when they hear the word "equality."
3. Explain to students that they will conduct research that will "tell the story" of various groups of Americans identified as being excluded from full citizenship rights—equal treatment—at the time our government was established. Through very hard work over long periods of time, these groups have gained rights and privileges that others have probably taken for granted.
4. Students will assume roles of editors for a special edition of a national newsmagazine. They will develop and design pages (enlarged to poster size for this assignment) that feature turning points in the movement toward equality in our history. Distribute accompanying handout, "Turning Points for Equality: Individual Research Poster Projects."
5. Allow one or two class periods for library research. Students should create a rough draft of their posters (words, illustrations) before beginning final project. Students should complete the poster as a homework assignment.
6. Display completed posters in chronological order. Next, students should prepare and present a short speech to teach the rest of the class about each event. Direct students to include the following information in their oral reports.
   - Describe the event.
   - Did this event result in more (or fewer) rights for more people?
   - What strategies have groups used in achieving fairer treatment in American law and society?
   - How, if at all, did the event change our definition of the word equality?
7. After student demonstrations, ask students to examine all posters for the methods various groups of Americans have used to achieve fairer treatment: new laws; amendments to the Constitution; Supreme Court decisions; and protests—that have led to new laws.
8. Next, explain to students that they must select the 10 most significant "turning points" toward equality. As they view their "poster gallery," students should consider how our society might be different if this event had not occurred.
9. Try to reach a general class consensus on the 10 most significant turning points. To close this lesson, ask students how current issues of inequality are similar to or different from those they have studied during this lesson. What groups today are seeking fairer treatment in American law and society? Are we satisfied with what has been accomplished? Do we need to continue enlarging the definition of equality?

TURNING POINTS FOR EQUALITY
INDIVIDUAL RESEARCH POSTER PROJECTS

As you know, many groups of Americans were excluded from the protections of the Constitution at various points in our history. At the time of the ratification of the Constitution and the Bill of Rights, equal rights was a limited concept that applied only to white Christian males over the age of 21 who owned property. In this short research project, you will tell the story of the gains and setbacks in achieving equality for all Americans.

Consider yourselves the editors of a major newsmagazine preparing an issue on turning points in our history having to do with the value of equality. You will develop and design a publication poster featuring an event listed below. Think of this poster as an enlargement of a magazine page. Each of you will research something different, so it is very important that your information is accurate.

In doing your research, find answers to the following questions. (1) Describe who (groups), what, when, and where. (2) Did this event result in more (or fewer) rights for more people? (3) What strategy was used in this event? (4) How, if at all, did this event change our definition of the word equality (progress, setback, broaden, etc.)?

Grading: Refer to the rubric for grading criteria. Grades will be based on accuracy of information; creativity; grammar; spelling errors; evidence of good planning; and of ocurse, overall neatness. *Since this is a very important grade, you need to show me a rough draft of your paragraph and illustration before you receive the paper for your final project. Do not attempt to complete this project without me!*

1. 1776: Declaration of Independence
2. 1971: Bill of Rights (ratification)
3. 1836: Trail of Tears
4. 1850: Fugitive Slave Law
5. 1852: Uncle Tom's Cabin
6. 1857: Dred Scott Decision
7. 1863: Emancipation Proclamation
8. 1865: Thirteenth Amendment
9. 1868: Fourteenth Amendment
10. 1870: Fifteenth Amendment
11. approx. 1876 on: Jim Crow Laws
12. 1896: Plessy vs. Ferguson
13. 1920: Nineteenth Amendment
14. 1924: National Origins Quota Act
15. 1935: Social Security Act
16. 1942: Executive Order 9066
17. 1954: Brown vs. Board of Education
18. 1955: Montgomery Bus Boycott
19. 1960-61: Freedom Rides
20. 1962: Gideon vs. Wainright
21. 1963: March on Washington
22. 1964: Civil Rights Act
23. 1965: Voting Rights Act
24. 1966: Miranda vs. Arizona
25. 1967: In Re Gault
26. 1968: Civil Rights Law
27. 1969: Tinker vs. Des Moines
28. 1971: Twenty-Sixth Amendment
29. Title 9 Legislation (girls' sports programs)
30. 1920 and 1981: Equal Rights Amendment
31. 1988: Civil Liberties Act
32. 1991: Disabled Americans Act

PERFORMANCE ASSESSMENT
SEARCHING FOR EQUALITY POSTERS

IMPORTANT: Grades will be based on the four criteria listed below. Make sure you read and understand each of the criteria.

1. Historical accuracy of description of event and its causes(s)

___ **Advanced:** Who, what, when, and where are stated in historical context; relevant groups(s) affected are identified; relevant details are included.
___ **Proficient:** Who, what, when, where stated in minimal historical context.
___ **Basic:** Missing one—who, what, when, or where; poster has some inaccuracies.
___ **Pre-Basic:** Minimal information; incomplete information.

Comments:

2. Clarity of writing and analysis

___ **Advanced:** Event is characterized as a setback or progress toward equality; analysis is supported by reasons; connections to present are made; correct spelling, correct punctuation.
___ **Proficient:** Event is characterized as a setback or progress toward equality; few reasons to support analysis are given; no connection to the present is made; some grammar errors.
___ **Basic:** Minimal analysis; writing is unclear; writing doesn't convey thesis clearly.
___ **Pre-Basic:** Little writing; no analysis; incomplete; thesis is unclear.

Comments:

3. Neatness and creativity

___ **Advanced:** Shows much evidence of planning—centered titles, borders, uses symbols to convey ideas, main idea is easily understood by viewer.
___ **Proficient:** Poster is somewhat "cluttered"; some evidence of planning.
___ **Basic:** Mistakes not corrected, poster is very "cluttered"; no evidence of planning is apparent.
___ **Pre-Basic:** Incomplete poster; hastily put together; sloppy.

Comments:

4. Personal reflection

___ **Advanced:** Takes and communicates a clear position reflecting on the importance of fairness and equality in society; statement builds upon analysis.
___ **Proficient:** Personal reflection is obvious, but does not flow from analysis.
___ **Basic:** Personal reflection is not obvious and is not related to analysis.
___ **Pre-Basic:** No personal statement given.

Comments:

Figure 3.1 Jackie Johnson's "Turning Points for Equality" lesson plan and rubric.

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period of time. I hope this lesson has a personal impact on them. I believe that they should see the evolution for equal rights as a continuing and ambiguous struggle. I do not want them to take equality for granted. Their generation faces difficult issues. I hope that as a result of this lesson, students can make more meaning of current issues regarding equal rights and be analytical about stories they watch on the 6:00 news.

2. *Does this task address important content and skills within the subject area?*

I selected the poster over an essay as an appropriate task because of the type of thinking that students would be asked to do. For many of my students, writing a research paper would be easier—even a "no brainer" because they would simply summarize lots of information. In contrast, the poster requires them to do the same amount of research and then make decisions about what is most important. The poster requires narrowing, selecting nuggets, sorting, and stating a complex idea simply and in a way that people understand and want to know more.

Before the lesson is over, some students tell me that this is more difficult than an essay. This assignment does not lend itself to copying and limits the involvement of "helicopter" parents.

Because some students have the attitude that a poster assignment is "fun and games," I structure the activity carefully to prevent sloppy work and to let them know that I will be looking for evidence of intellectual rigor. They need to know that this is not just a grade—but an important one. The rubric lets students and parents know that the exercise involves intellectual rigor—understanding of the legal reasoning underlying the cases, understanding of precedent, and developing an understanding of how an issue appeared to people living at another point in time.

3. *In what ways is a poster assignment an authentic task?*

This seems like authentic work to me. Not only do we as citizens need to evaluate the information that we get through sound bites and headlines, we often need to communicate through brochures and flyers in our work. I think that the process of choosing a topic and then teaching others through work they have done on their own contributes to making this authentic.

4. *How do I want to define quality?*

For me, the process of developing a scoring rubric is one way of answering questions about quality. My starting point for developing assessment criteria was to think carefully about what quality looks like related to the evidence of thinking and understanding. I then laid out student work from previous years and solicited help from a colleague with background in assessment. We placed the posters in the four categories that designate levels of achievement in my district—exemplary, proficient, basic, and pre-basic. Starting with those of highest quality, we

> ***"For me, the process of developing a scoring rubric is one way of answering questions about quality."***

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generated a list of qualities that separated the best from the others. A long list resulted. The qualities most connected to the purpose of the activity were organized into four categories: historical accuracy, clarity of writing, neatness and creativity, and personal reflection. We then moved to the other three piles of posters. They were compared and qualities generated that were parallel to those in each of the four categories. This process took a couple of hours. Unfortunately, the criteria that are easiest to write are also among the least important.

5. *How can this scoring rubric be understood and useful to my students? How can I present it without limiting their creativity?*

I introduced the assignment by asking students to look at samples of posters that I saved from previous years to understand how evidence of understanding, thinking, creativity, and reflection was reflected in work of other students. They analyzed equality through these samples and through original research and poster development. With guidance from me and the librarian, students completed rough draft sketches and wording on notebook paper. The scoring criteria were used again as we talked about their plans. It is at this point that I become the coach and ask questions—"You've got a hole here" or "Some essential information has fallen through the cracks"—and provide feedback "You've written too much and much of it is irrelevant....What is your priority in telling others this story?" Some students did a better job of integrating my coaching advice into their posters. The revision process is an area that we should place more value on and give students more practice—particularly if we want them to value what we are teaching.

6. *How will I translate information from the assessment into grades?*

I graded student posters giving letter grades (A corresponding to exemplary, B to proficient, C to basic.) Students with pre-basic were expected to revise their assignment. Rarely does a student do work that is consistently at one level—so I look at the range of levels across criteria and then average across traits to come up with a letter grade. In giving grades I give equal weight to content, thinking, format, and reflection. Every student gets comments in addition to the ratings.

Using the rubric makes grading more efficient and clearer to the student. I've found that fewer students want to negotiate for a higher grade because they understand what they need to do for the higher grade.

I find that I'm more likely to give lower grades using a scoring rubric. Without it, I have more opportunity to "give the benefit of the doubt" or give credit for effort.

Constructing an Authentic Assessment or Task

Jackie Johnson's story illustrates well how deciding to assess a lesson more authentically causes a teacher to reexamine her goals and instructional methods as well. Her story also demonstrates how you, as a teacher interested in similar improvements in assessment, might begin transforming a lesson into an authentic assessment task. The subsections below provide a more structured view of that process. Figure 3.2 provides a worksheet that may be useful in working through these steps.

Step One: Identify important content.

A unit or lesson worth spending a few days or weeks on should increase student understanding of an **essential** concept or generalization. The generalization underlying Jackie's civil rights lesson is essential to understanding the political systems that organize life in the world today. It could be stated as:

The American political system is constructed upon democratic ideals and values; however, progress towards realizing these ideals for every group is many times unequal and slow.

Step Two: Develop objectives.

The next step is to write objectives for the unit or lesson. The objectives will help you focus on what students will do with the content you have identified. Objectives for Jackie's lesson include:

(1) Describe how equality is linked to the Constitution through historical content. (2) Demonstrate how the concept of equality was applied to one historical event. (3) Analyze the struggle for securing equal rights.

Step Three: Include higher order thinking.

Cognitive psychologists have established that learning occurs when new knowledge is meaningfully integrated and connected to prior understandings. Opportunities for students to analyze, compare, make decisions, or use other higher order processes allow the new information "to take hold," eliminating the need for constant reteaching and enabling students to be more sophisticated in their understanding.

Several higher order processes are evident in Jackie's lesson:

Students will practice ***decision making*** *as they decide whether an event is a gain or setback to equality and construct support for their decision. They will* ***take and support a personal position*** *regarding the importance of fairness and equality. Finally, they will connect the event to the present.*

Step Four: Incorporate student products or performances.

This step involves designing a task that will provide evidence that students have met your instructional goals. A question or task that students perceive as a meaningful challenge will result in more thoughtful work. Through production of discourse, products, or performances, students can more easily relate their formal education to the world around

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Planning Worksheet

What is the important content students will need to use in the assessment?

What higher order thinking processes will students need to use in the assessment?

What tasks will give students the opportunity to use the knowledge and skills above? What form of discourse, product, or performance will they produce?

Figure 3.2. Worksheet for building authentic assessments.

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them and practice skills that are needed throughout their lives. Engaging students in production also allows the teacher to offer coaching and feedback that is more helpful to a student than merely a percentage on a test. A well-written rubric is a necessary tool, along with a well-thought-out instructional plan and appropriate practice activities.

In Jackie's lesson, students know from the beginning of the unit that they will be constructing a poster. The poster will reveal their conceptual and factual knowledge, their complex thinking, and their creativity and writing ability. They also know the specific expectations in advance due to the rubric.

Reflection/Exercise

Analyze Jackie's "Turning Points of Equality" lesson and rubric. Does the lesson have the characteristics of authentic instruction as described by Newmann and Wehlage? Why or why not? Is the poster a good way for students to demonstrate their knowledge and thinking? What strategies might have more power for achieving her goals? Does the assessment rubric reflect the importance of conceptual understanding and higher order thinking, rather than simply factual information?

Writing a Workable Scoring Rubric

At this point, you might be asking yourself: Exactly what is a rubric? A rubric is a scoring guide used to evaluate student work and to provide students with information about what exemplary performance looks like. A rubric is also a tool for giving students better feedback on their work and how to improve it. A typical rubric includes:

- Several dimensions of performance to be assessed. In Jackie's rubric, these dimensions were historical accuracy, clarify of writing and analysis, neatness and creativity, and personal reflection.
- A scale indicating levels of performance. In Jackie's case, the levels of performance are exemplary, proficient, basic, and pre-basic. Often the levels of performance are given numeric equivalents.
- Descriptions of each level of performance. A trait-specific rubric provides descriptions of each level of performance for each dimension of performance. The teacher gives separate scores on each dimension. A holistic rubric provides descriptions for each level of performance that incorporate all the

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dimensions, and the teacher assigns only one score to the work.

The time spent writing a rubric is usually well spent for several reasons. First, it forces a teacher to thoroughly plan both the instruction and the student performance in advance. In the rubric, the teacher clearly communicates in writing the expectations and criteria that will be used, thus focusing the instruction. Teachers will usually not invest the time in this planning and writing without a significant piece of content that they are targeting; learning, instruction, and assessment therefore become bound together in an integrated, meaningful lesson.

A rubric also allows for more meaningful and constructive feedback that better reflects how people learn and mature. Most people have areas that they excel in and those they need to improve; a rubric gives realistic feedback, against a set of criteria, thus enabling the student to focus on the specifics that need to be corrected and to become aware of their strengths. Ideals of continuous progress and student responsibility fit much better with rubric evaluation, as opposed to curves or percentiles.

Rubric development is a process. Begin by deciding on the criteria you will use to score student performances or products. Be specific as to what knowledge and/or behaviors will be assessed. **Avoid** laundry lists of criteria; two or three per rubric is usually enough for students to address. Fewer criteria also allow more focused instruction.

Next, describe the desired product or performance using observable behaviors or characteristics. Student work or real-life exemplars are useful in developing the descriptions. Focus on what is desired, not on what is missing. For example, it is preferable to say "the writing contains serious mechanical errors" rather than "the student does not proofread writing."

Write the proficient level first. Then write parallel items for each criterion at each level of achievement.

Try to describe clear differences in performance without relying on adverbs and adjectives. For example, "the student uses information from a variety of sources and combines it to express ideas" is preferable to "the student uses information from several sources and combines it well." Remember, too, that rubrics are designed to assess the quality of work, not the quantity.

Clear, concise differences in performance are often hard to describe. This is why it is easier to develop a rubric if you use samples of student work, as Jackie did. The descriptions of performance should be clear enough to allow the evaluator (whether you, another teacher, an aide) and students to discriminate between levels of performance. Samples of student work at each level of performance are called anchors. Many teachers provide students with anchors to intro-

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duce the criteria. Some teachers have found it useful to create versions of rubrics in student language ("I used an analogy...").

Some districts, like Jackie's, have established a certain number of levels of performance that teachers are to use. Other teachers have flexibility in determining whether to establish three, four, five, or even more levels. It is difficult to say what the "ideal" number of points on the scale is. The number should be large enough so that feedback given using the rubric is useful to students, but small enough to be reliable and manageable. Usually, three to five levels of performance are sufficient. It seems to be useful to have the lowest level reflect some reasonable effort at the task and to have another category for "no attempt." The highest level should describe exemplary performance.

As with any assessment tool you have developed, we recommend asking a colleague to review your rubric and provide feedback on clarity, the extent to which the descriptors allow you to discriminate between levels of performance, the usefulness of the rubric to students in planning and improving their work, and the like. Be prepared to rework rubrics, two or three times at least, before expecting them to work well. Figure 3.3 is a worksheet you may find useful in the rubric development process.

Rubrics raise many issues that teachers must think through. Some of these issues are discussed briefly below.

Quantity vs. Quality

Many teachers feel more comfortable evaluating with numbers rather than descriptors, feeling that quantifying scores is less "subjective." Deciding on a number still can be very arbitrary, and if the number is based on the quantity of the student's work, can reward students for mindless quantity and penalize the student who, for example, expresses him/herself well using less space, one or two fewer sources, or a few more mechanical errors.

Validity vs. Reliability

Validity and reliability are terms that are often heard when assessment and testing are discussed. Validity refers to the extent to which a test or assessment measures what it purports to measure. Authentic assessments have often been said to have face validity—that is, on their face, they measure what they set out to measure. This claim masks the fact that for rubrics to be valid, they must accurately identify the important criteria and specifically describe levels of performance on those criteria. An authentic assessment, like any assessment, must be well constructed in order to be valid.

Remember: Rubric development is a continuous process. You will continue refining your rubrics as you use them.

Rubric Development Worksheet

What task will this rubric be used to assess?

What criteria will you use to evaluate student work? That is, what dimensions of performance will be assessed?

Describe the levels of performance. For a trait-specific rubric, provide descriptions of each level for each trait. For a holistic rubric, provide descriptions for each level that incorporate all the dimensions.

↑ Performance Continuum ↓

Level
4 Exemplary
3 Proficient (standard)
2 Beginner
1 Novice
NS Non-Scorable

Figure 3.3. Typical rubric development model

Reliability refers to the extent to which an assessment will give the same score, particularly when a performance or product is scored by more than one person. Rubrics have been demonstrated to be quite reliable, especially when written to match specific tasks and when used by trained evaluators in blind scoring tasks. In developing a rubric, you may find that you are tempted to describe levels of performance in terms of quantity or to include trivial criteria in order to make the rubrics more reliable; resist this temptation!

Comparison vs. Criterion

Criterion scoring means that student performance will be evaluated in terms of criteria rather than in comparison to other students. Be prepared for situations in which many or most students receive low scores. Students are so accustomed to the lowering of expectations that even hard-working achievers won't believe that you are going to apply a rubric as written the first time. If the teacher is persistent and fair, student performance will improve with the use of rubrics. Rubrics should never be used in a high stakes situation unless all students have had significant experience with rubric scoring and practice on the important criteria for the performance. Social studies departments may have an interest in practicing scoring work using the same rubric so that they are working with students on similar standards.

Holistic vs. Trait-Specific Rubrics

In developing rubrics, teachers must consider whether a holistic or trait-specific rubric is most useful for the type of product or performance. A holistic rubric describes an entire performance while a trait-specific rubric evaluates the individual components of the performance more specifically. A holistic rubric can be less reliable; even with good descriptions, complex performances or products offer infinite variety. Trait rubrics can become too specific and ignore the strength of an entire performance or product; they are, however, more reliable. A workable compromise can be the use of more than one rubric. For example, students could be scored on one rubric for their writing skill and on a totally separate one for their use of sources or computer skills.

Student Involvement

Students can fill an important role in the development of rubrics. Their involvement can enhance both the language of the rubric and students' motivation to perform. One approach is to have a conversation with students in which they analyze exemplary products or performances. The teacher might ask "What are the attributes of powerful debate? What should a top score look like?" Students could also analyze less effective examples to determine intermediate points.

Instructional Implications

The use of authentic assessments and rubrics requires the teacher to acquire a solid base of instructional strategies and an understanding of alternative assessment. Students need to have experience and practice with all the important components of an assessment. Thus, teachers must carefully analyze each task and determine what they must teach in order for students to perform well. For example, in Jackie's lesson, in addition to content, students need (1) practice with the steps of decision making, (2) review on summarizing information, (3) review of grammar/spelling/punctuation expectations, and (4) samples of products that represent expectations related to neatness and creativity.

Frequently, teachers provide instruction on the content related to a task but fail to acquaint students with the type of thinking involved. Complex thinking models can be difficult, and students need organizers and practice opportunities before being evaluated. Also, students need practice and feedback about other skills involved in the authentic task, whether they be collaborative work, oral speaking, or computer production skills. Such techniques as observation checklists, response journals, and conferences can be essential tools for providing such feedback. They can also be useful in gathering information to "validate" student performance.

Reflection/Exercise

Select a lesson or unit that you think meets Newmann and Wehlage's criteria for authenticity. Use the process for designing an assessment task and scoring rubric described in this chapter to begin making the adaptations and developing the rubric.

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Chapter 4: Using Student Work to Revise an Assessment and Instruction

The teachers in our project have found that their first attempts at a particular rubric are never completely satisfactory. The second time they use a task and its accompanying rubric, they make adjustments in instruction and in the rubric. The most valuable tools for determining what changes will enhance student learning are the products students developed. Close analysis of the products has helped teachers identify areas requiring additional instruction, criteria that students did not understand, learning that the rubric did not reflect, and other factors that allowed them to improve their teaching and assessment practice.

Reflection/Exercise

You have been asked to serve as a peer reviewer of Jackie Johnson's assessment task and scoring rubric. Begin by rating each of the posters in Figures 4-1 through 4-4. Complete the following steps and then prepare notes with suggestions for how Jackie can improve (1) the assessment task, (2) the scoring rubric, and (3) the instructional plan.

1. Analyze the student work for the purpose of evaluating the assessment task and the criteria.

a. Investigate the context in which the student work was created (lesson, time, purpose). Are the directions to students clear? Are the standards revealed with examples?

b. Assess the quality of each of the posters using the rubric on page 27. What level of performance does each reflect? What letter grade would you give each and why?

c. Compare notes with a colleague. Where are your evaluations in agreement? in disagreement? Do your scores differ on some traits more than others? After discussion, do you "agree to disagree" on the quality or can you come to some consensus regarding the quality of the work?

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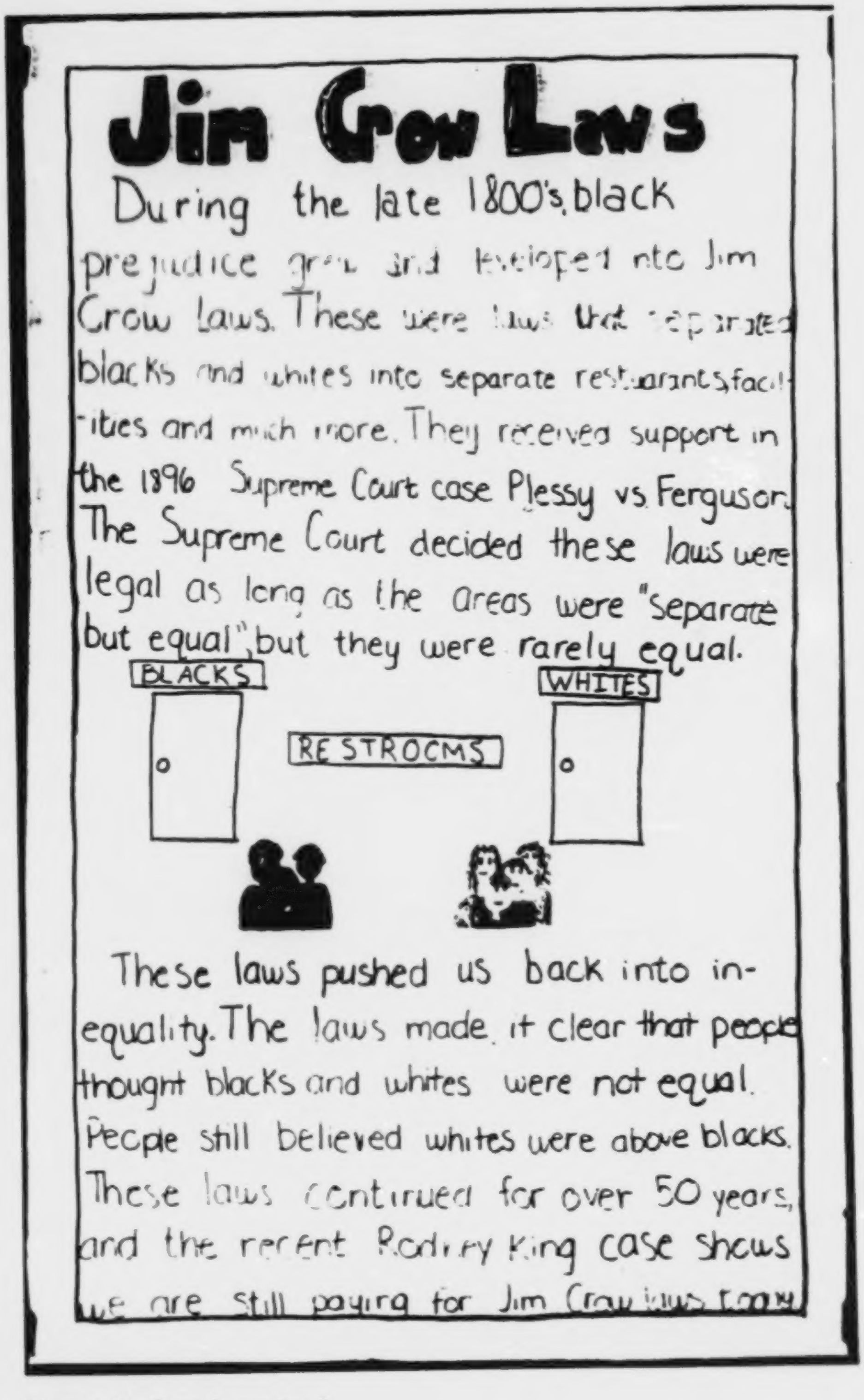
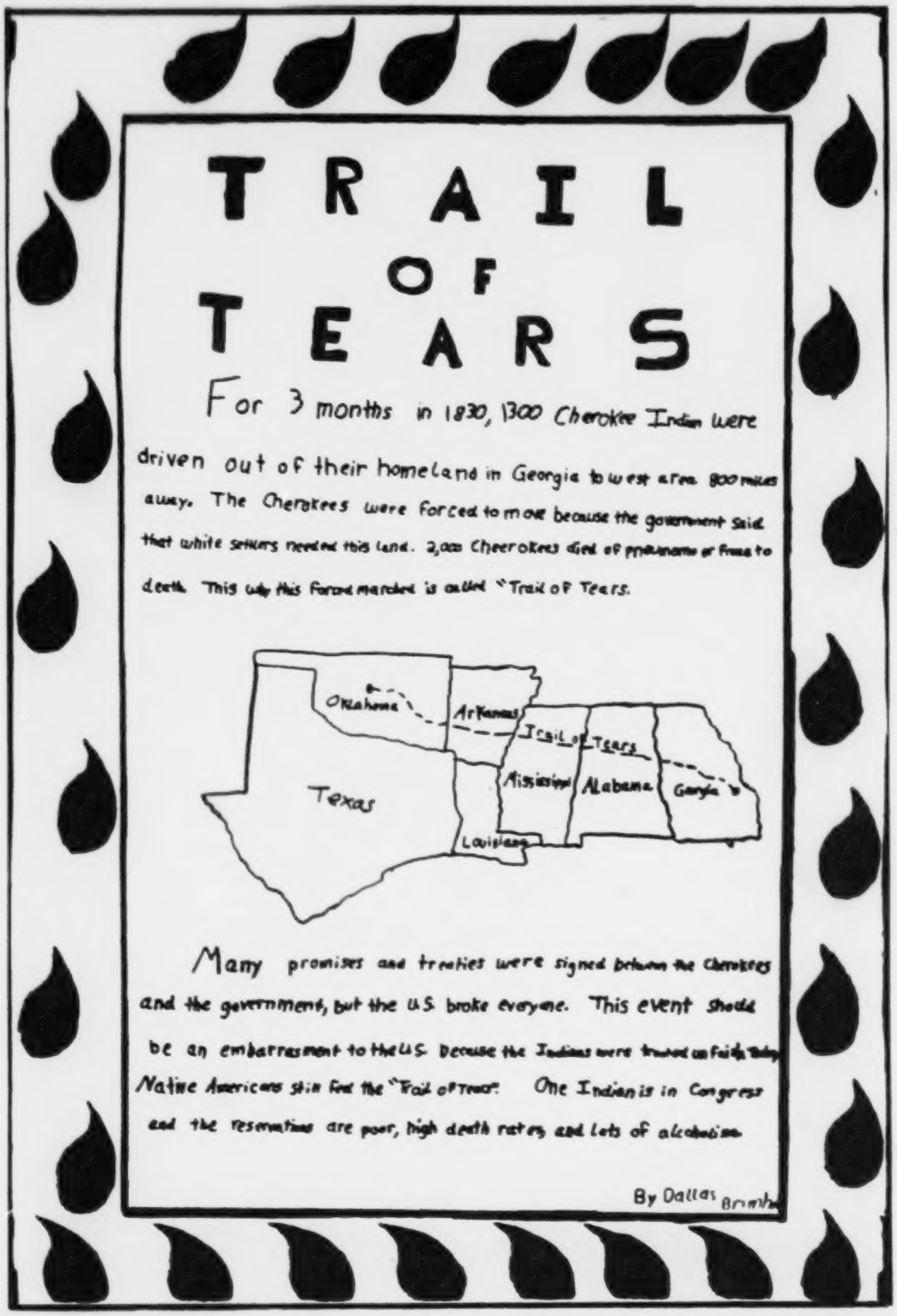


Jim Crow Laws

During the late 1800's, black prejudice grew and developed into Jim Crow laws. These were laws that separated blacks and whites into separate restaurants, facilities and much more. They received support in the 1896 Supreme Court case Plessy vs. Ferguson. The Supreme Court decided these laws were legal as long as the areas were "separate but equal", but they were rarely equal.

These laws pushed us back into inequality. The laws made it clear that people thought blacks and whites were not equal. People still believed whites were above blacks. These laws continued for over 50 years, and the recent Rodney King case shows we are still paying for Jim Crow laws today.

Figure 4.1. Sample poster A.



TRAIL OF TEARS

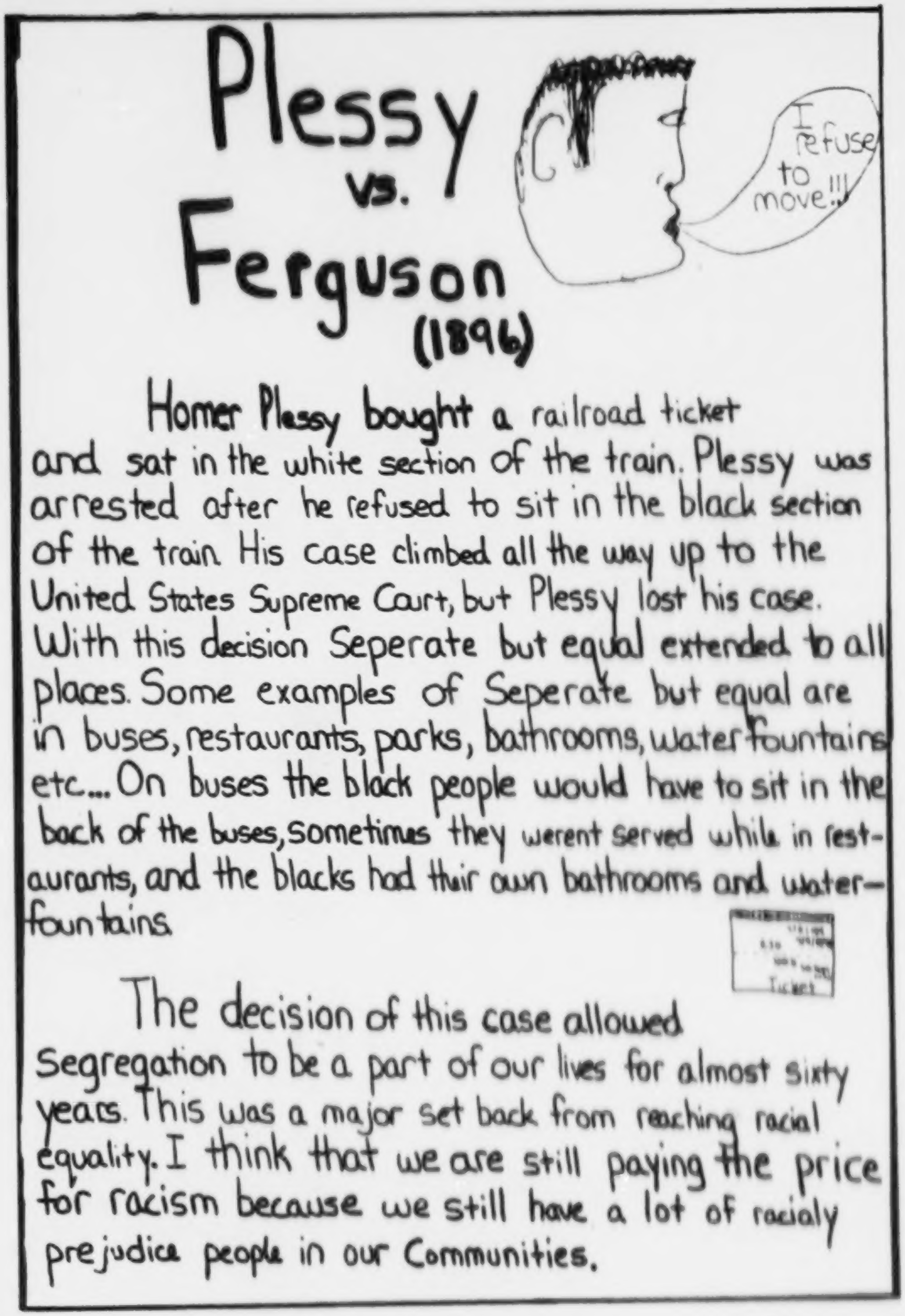
For 3 months in 1830, 1300 Cherokee Indian were driven out of their homeland in Georgia to west area 800 miles away. The Cherokees were forced to move because the government said that white setlers needed this land. 2,000 Cheerokees died of pneumonia or froze to death. This why this forced marched is called "Trail of Tears.

Oklahoma
Arkansas
Trail of Tears
Texas
Mississippi
Alabama
Georgia
Louisiana

Many promises and treaties were signed between the Cherokees and the government, but the U.S. broke everyone. This event should be an embarressment to the U.S. because the Indians were treated unfairly. Today Native Americans still feel the "Trail of Tears." One Indian is in Congress and the reservations are poor, high death rates and lots of alcoholism.

By Dallas Brimh

Figure 4.2. Sample poster B.


I refuse to move!!!
Ticket

Plessy vs. Ferguson (1896)

Homer Plessy bought a railroad ticket and sat in the white section of the train. Plessy was arrested after he refused to sit in the black section of the train His case climbed all the way up to the United States Supreme Court, but Plessy lost his case. With this decision Seperate but equal extended to all places. Some examples of Seperate but equal are in buses, restaurants, parks, bathrooms, water fountains etc... On buses the black people would have to sit in the back of the buses, sometimes they werent served while in restaurants, and the blacks had their own bathrooms and water-fountains

The decision of this case allowed Segregation to be a part of our lives for almost sixty years. This was a major set back from reaching racial equality. I think that we are still paying the price for racism because we still have a lot of racialy prejudice people in our Communities.

Figure 4.3. Sample poster C.

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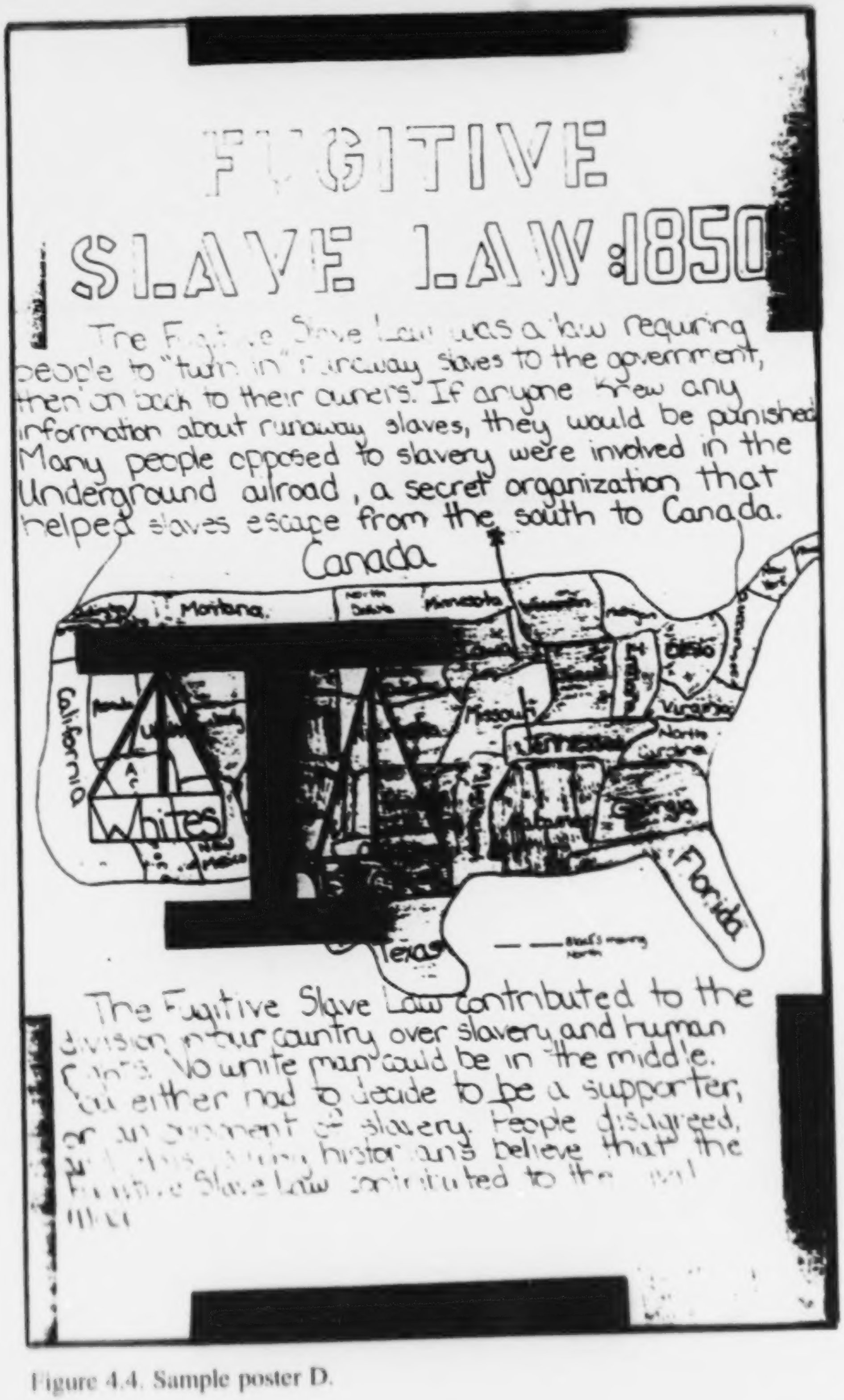

FUGITIVE SLAVE LAW: 1850

The Fugitive Slave Law was a law requiring people to "turn in" runaway slaves to the government, then on back to their owners. If anyone knew any information about runaway slaves, they would be punished. Many people opposed to slavery were involved in the Underground ailroad, a secret organization that helped slaves escape from the south to Canada.

Canada
Montana
North Dakota
Minnesota
Wisconsin
California
Utah
New Mexico
Whites
Missouri
Indiana
Ohio
Virginia
North Carolina
Tennessee
Georgia
Florida
Texas
Slaves moving North

The Fugitive Slave Law contributed to the division in our country over slavery and human rights. No white man could be in the middle. You either had to decide to be a supporter, or an opponent of slavery. People disagreed, and this. Many historians believe that the Fugitive Slave Law contributed to the [illegible] War.

Figure 4.4. Sample poster D.

Exercise, cont'd.

2. Rate the assessment task and rubric based on your scoring experience and discussion.

   a. Which criteria worked well? Which were most difficult?

   b. Do the criteria (and the assessment task) address important LRE/civic education outcomes?

   c. Can some of the criteria be successfully embedded within several units so students can practice and improve?

   d. Do the criteria provide students with clear definitions so they know what quality looks like? Can students be involved in developing /modifying the criteria by which their work is judged?

   e. Does this assessment measure what it claims to measure?

3. List the weaknesses that you found in the student posters. How might the assessment task, the rubric, and the instruction be modified to address the weaknesses you have identified? In other words, if you were the teacher, would you be satisfied with this student work? What might you do to change the assessment task, the scoring criteria, or the lesson the next time?

Case Study: A Teacher's Reflections

The following are Jackie's reflections on her task and rubric.

Revising my instruction:

Based on my analysis of student work, I made some instructional changes that I think will improve achievement on three of the four criteria. My goal was to place more emphasis on the instruction related to content within individual posters and into learning content that is presented in the posters of other students. I've noticed that students tend to overemphasize the formatting—perhaps because it is concrete and understandable. While it's easy to put the burden on the student by "weighing" some of the traits, I think it's important for me to change what I'm doing so they get more help with the part I value the most. I've tested this change:

To involve students in analyzing additional turning points, students visited the poster gallery in the commons of our school in groups of five. Each group had a clipboard and the assignment to pick the most important events (see Figure 4.5). Each group was required to present their conclusions to the class. Interestingly, each group selected its own

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poster as the most important. In their reports they did a pretty good job of defending their choices: "This was important because it was the first time the Supreme Court dealt with juvenile issues," "This was important because it allowed slavery to continue." I'm pleased because they learned so much through each other; I think Bill Bennett would be pleased because they know lots of content.

Revising the rubric:

I've changed the heading for the second trait from "clarity of writing" to "clarity of analysis" because I realize the illustrations can contribute to the thinking, which is what I'm really looking for. After looking at the most recent round of student work, I've decided that the reflection criterion is very important but cannot be effectively evaluated through the poster. Therefore, that portion of the assessment will be determined through discussion and/or written essay.

Revising the assessment process:

Next year, I am thinking of inviting a panel of experts to look at the posters and have conversations with students about their thinking and understanding of the content. By providing an audience, I think students will be even more thoughtful about the event they studied in depth and about the work of their classmates.

I'm wondering about the usefulness of testing students beyond the grades on the posters and on their discussion following the gallery visits. I know that a traditional test would help me to validate my alternative assessment and more importantly, at this time, the parents expect it. I do think that the high scores that my students earned on the traditional test (see Figure 4.6) validate the results of the alternative assessment. I may design an action research project with the assessment specialist in my district to better understand the strengths and weaknesses of each assessment.

> ***I do think that the high scores that my students earned on the traditional test validate the results of the alternative assessment.***

REFLECTION GROUP ASSIGNMENT

TURNING POINTS FOR EQUALITY POSTERS

DIRECTIONS: Examine the poster display downstairs in groups of three or four. Reach agreement on five of the most significant "turning points" in the evolution of fairness and equality in American law and society. Take notes on these events. Then develop a short speech (no more than 3 minutes; every person in your group must speak) in which you analyze and reflect on the importance of the events you have selected. Make certain that your speech explains to the audience how important equality is to you and our whole society.

Personal Reflection Speech

___ **Advanced:** Takes and communicates a clear position reflecting on the importance of fairness and equality in our society; speech builds upon analysis of events in five posters—not just a restatement of posters.

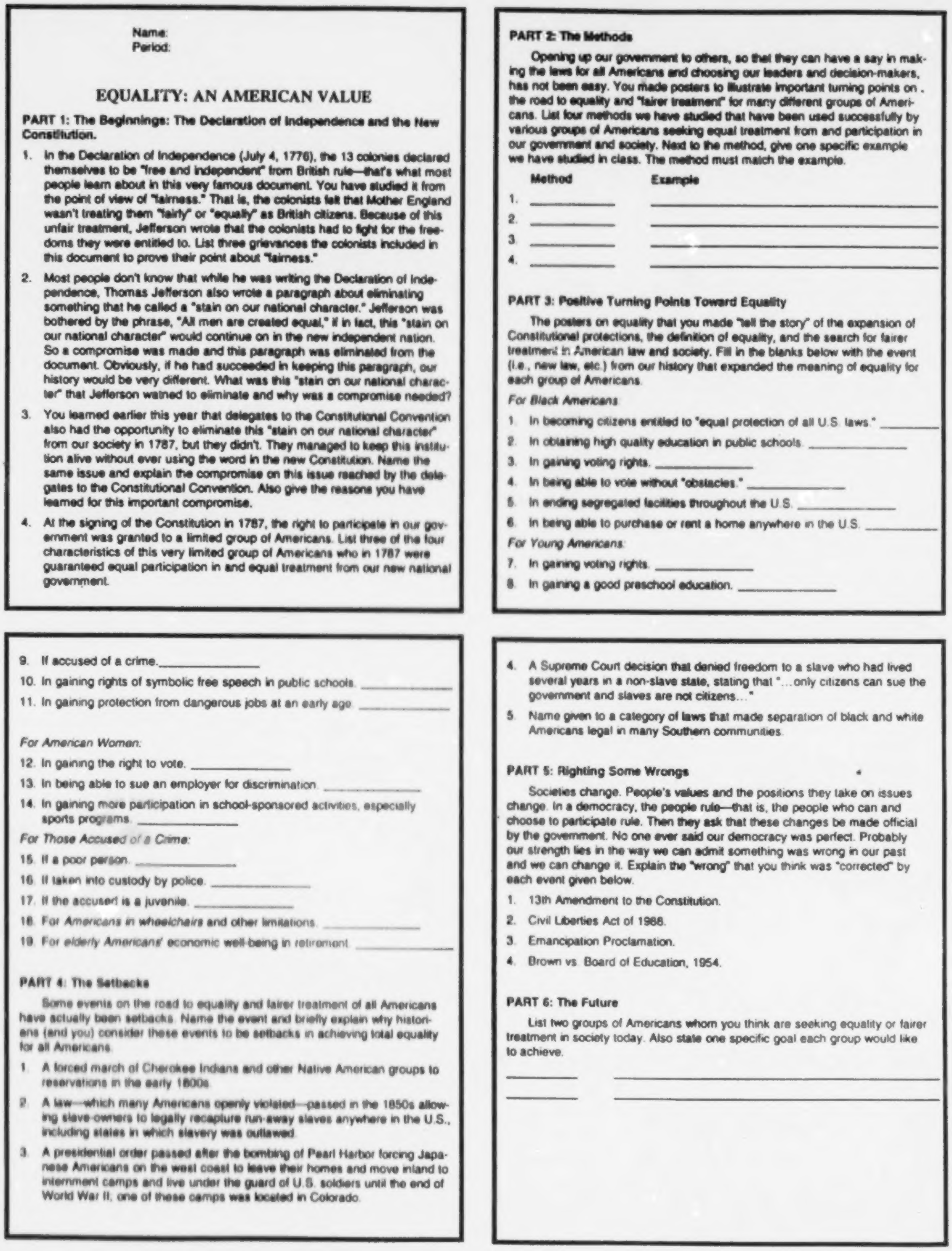
___ **Proficient:** Personal reflection is obvious, but does not flow from analysis of events depicted in posters.

___ **Basic:** Personal reflection is not obvious and is not related to analysis of events depicted in selected posters.

___ **Pre-Basic:** No personal statements are given, no analysis, or statements given are too simplistic and elementary.

Comments:

Figure 4.5. Reflection group assignment.



Name:
Period:

EQUALITY: AN AMERICAN VALUE

PART 1: The Beginnings: The Declaration of Independence and the New Constitution.

1. In the Declaration of Independence (July 4, 1776), the 13 colonies declared themselves to be "free and independent" from British rule—that's what most people learn about in this very famous document. You have studied it from the point of view of "fairness." That is, the colonists felt that Mother England wasn't treating them "fairly" or "equally" as British citizens. Because of this unfair treatment, Jefferson wrote that the colonists had to fight for the freedoms they were entitled to. List three grievances the colonists included in this document to prove their point about "fairness."
2. Most people don't know that while he was writing the Declaration of Independence, Thomas Jefferson also wrote a paragraph about eliminating something that he called a "stain on our national character." Jefferson was bothered by the phrase, "All men are created equal," if in fact, this "stain on our national character" would continue on in the new independent nation. So a compromise was made and this paragraph was eliminated from the document. Obviously, if he had succeeded in keeping this paragraph, our history would be very different. What was this "stain on our national character" that Jefferson watned to eliminate and why was a compromise needed?
3. You learned earlier this year that delegates to the Constitutional Convention also had the opportunity to eliminate this "stain on our national character" from our society in 1787, but they didn't. They managed to keep this institution alive without ever using the word in the new Constitution. Name the same issue and explain the compromise on this issue reached by the delegates to the Constitutional Convention. Also give the reasons you have learned for this important compromise.
4. At the signing of the Constitution in 1787, the right to participate in our government was granted to a limited group of Americans. List three of the four characteristics of this very limited group of Americans who in 1787 were guaranteed equal participation in and equal treatment from our new national government.

PART 2: The Methods

Opening up our government to others, so that they can have a say in making the laws for all Americans and choosing our leaders and decision-makers, has not been easy. You made posters to illustrate important turning points on . the road to equality and "fairer treatment" for many different groups of Americans. List four methods we have studied that have been used successfully by various groups of Americans seeking equal treatment from and participation in our government and society. Next to the method, give one specific example we have studied in class. The method must match the example.

	Method	Example
1.	________	________________________
2.	________	________________________
3.	________	________________________
4.	________	________________________

PART 3: Positive Turning Points Toward Equality

The posters on equality that you made "tell the story" of the expansion of Constitutional protections, the definition of equality, and the search for fairer treatment in American law and society. Fill in the blanks below with the event (i.e., new law, etc.) from our history that expanded the meaning of equality for each group of Americans.

For Black Americans

1. In becoming citizens entitled to "equal protection of all U.S. laws." ________
2. In obtaining high quality education in public schools. ________
3. In gaining voting rights. ________
4. In being able to vote without "obstacles." ________
5. In ending segregated facilities throughout the U.S. ________
6. In being able to purchase or rent a home anywhere in the U.S. ________

For Young Americans:

7. In gaining voting rights. ________
8. In gaining a good preschool education. ________
9. If accused of a crime. ________
10. In gaining rights of symbolic free speech in public schools. ________
11. In gaining protection from dangerous jobs at an early age. ________

For American Women:

12. In gaining the right to vote. ________
13. In being able to sue an employer for discrimination. ________
14. In gaining more participation in school-sponsored activities, especially sports programs. ________

For Those Accused of a Crime:

15. If a poor person. ________
16. If taken into custody by police. ________
17. If the accused is a juvenile. ________
18. For *Americans in wheelchairs* and other limitations. ________
19. For *elderly Americans'* economic well-being in retirement. ________

PART 4: The Setbacks

Some events on the road to equality and fairer treatment of all Americans have actually been setbacks. Name the event and briefly explain why historians (and you) consider these events to be setbacks in achieving total equality for all Americans.

1. A forced march of Cherokee Indians and other Native American groups to reservations in the early 1800s.
2. A law—which many Americans openly violated—passed in the 1850s allowing slave-owners to legally recapture run-away slaves anywhere in the U.S., including states in which slavery was outlawed.
3. A presidential order passed after the bombing of Pearl Harbor forcing Japanese Americans on the west coast to leave their homes and move inland to internment camps and live under the guard of U.S. soldiers until the end of World War II; one of these camps was located in Colorado.
4. A Supreme Court decision that denied freedom to a slave who had lived several years in a non-slave state, stating that "...only citizens can sue the government and slaves are not citizens..."
5. Name given to a category of laws that made separation of black and white Americans legal in many Southern communities.

PART 5: Righting Some Wrongs

Societies change. People's values and the positions they take on issues change. In a democracy, the people rule—that is, the people who can and choose to participate rule. Then they ask that these changes be made official by the government. No one ever said our democracy was perfect. Probably our strength lies in the way we can admit something was wrong in our past and we can change it. Explain the "wrong" that you think was "corrected" by each event given below.

1. 13th Amendment to the Constitution.
2. Civil Liberties Act of 1988.
3. Emancipation Proclamation.
4. Brown vs. Board of Education, 1954.

PART 6: The Future

List two groups of Americans whom you think are seeking equality or fairer treatment in society today. Also state one specific goal each group would like to achieve.

________ ________________________

________ ________________________

Figure 4.6. Traditional assessment for "Turning Points" lesson.

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Reflection/Exercise

How would you rate Jackie regarding her skills in self-assessment? Do her answers cause you to reconsider your critique?

Rubric Revision

As Jackie's story illustrates, the results you obtain the first time you use an assessment task and its accompanying rubric will again cause you to examine your goals, your instructional strategies, and the rubric itself. Through this reflection process, Jackie reaffirmed that she believed both the content and thinking to be important, decided that some revision of her teaching strategy was needed, and determined to make changes in the rubric. She also identified an issue that she wanted to pursue through an action research project.

Before determining what changes to make in a rubric, it is important to examine goals and instruction. Teachers who are just beginning to use rubrics sometimes assign too much credit (and blame) to the rubric, which generally is not solely responsible for student success or failure in achieving high standards. However, the results of your first use of a rubric will usually provide information that will help you improve the rubric—and perhaps provide insights into your use of the rubric.

As a first step in determining what changes may be needed, compare student work to the rubric. Write down the elements that caused you to assign a given rating to the work. Were the elements you emphasized given adequate weight in the rubric? If not, does the rubric need revision, or do you need to be more aware of other elements as you score student work?

Again look at the student work to see if there are any important elements that are not reflected in the rubric. Perhaps students learned an important concept that you did not originally target in your instructional planning but now believe to be important. If so, you may need to rework the rubric to reflect this additional learning.

Rethink your scale. Do your descriptions adequately differentiate between levels of performance? Gathering information from students may be useful in this respect. Did students think the differences between the levels of performance were clear enough? Was any of the terminology unclear? Was the feedback provided using the rubric helpful to them in identifying how to improve their work?

Once you have revised your rubric, try rescoring several samples of student work, or ask a colleague to score several samples using the new rubric. If you have questions about the effectiveness of the rubric or the assessment task, think about an action research project in which you could pursue those questions. Your district assessment specialist may be able to help you think through the design of such a project.

Then try the rubric again!

Reflection/Exercise

A high school teacher would like to "beef up" the criteria for posters that his students develop in a world problems class. Based on your reflections on Jackie's experience, what advice would you give this teacher?

Unit Poster

Based on the material provided in class, construct a poster or display that communicates an idea, theme, concern, problem, solution to human over-population. The use of different colors, textures, and materials is encouraged.

The class will participate in the evaluation process using a "poster evaluation sheet."

Criteria:

1. Clarity of expression
2. Appropriateness of content
3. Attractive appearance
4. Creativity and originality

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Chapter 5: Public Issues Discussion as an Authentic Assessment

If you agree with Fred Newmann that the main task for democratic citizens is to deliberate with other citizens about the nature of the public good and how to achieve it, then it's likely that you have a commitment to discussion as an integral part of the instructional and assessment process in the social studies classroom. This chapter explores some of the issues and promising ideas for preparing citizens to participate in discussions about issues of public concern. Research studies document many positive effects of learning and practicing civic discourse in the classroom. Angela M. Harwood and Carole L. Hahn (1990) cite several empirical research studies indicating that students who participate in discussion may experience one or more of the following outcomes: (1) more positive political attitudes, (2) higher participation in political activities, (3) higher likelihood of following current events in the media, (4) higher participation in discussions of political matters with their friends and family, (5) positive feelings of political interest, confidence, and trust, and (6) improved civic tolerance and increased interest in social issues. In addition, students' perception of the teacher's willingness to discuss ideas changes.

This research is not necessarily reflective of classroom practice. Many factors limit the effective use of discussion in the classroom. Teachers who recognize discussion's potential as authentic work struggle to structure discussions that are more than a sharing of unsubstantiated opinions. Others limit discussion because classroom management issues emerge during discussion or because they do not know how to use discussion to teach content—their primary interest. Some are concerned that involving students in discussion of controversial issues will offend parents. For civic educators who are currently using discussion as well as those who are not, a first step in improving classroom practice is formalizing the criteria for systematic feedback—articulating the basis by which you will measure students' ability to express their thinking about matters of civic importance and to construct and justify positions on public issues.

Discussion is undoubtedly a commonly used and highly valued strategy in social studies classrooms, yet it is rarely assessed formally. When this project began, a review of the literature revealed only one article on assessing discussions (Zola 1992). The reasons cited by teachers relate to uncertainty about *how* to assess as well as clarity about *what* to assess. The absence of formal evaluation causes many teachers and their students to undervalue discussion as an opportunity for developing substantive understanding of concepts and a means for practicing a wide range of reasoning skills.

One of the first issues that teachers must address in structuring assessment of discussion relates to clarifying the purpose for the discussion and ultimately the format for the discussion and the assessment. Since discussions are conducted for a variety of purposes, the assessment needs to match the ends to which the discussion is directed. Are you interested in evidence of critical thinking? demonstrations of substantive understanding? demonstrations of procedural understanding (ability to move a discussion forward, set an agenda, respond to others)? Each purpose is important, as discussed below.

1. Discussion as a means for assessing critical thinking skills. Discussion of public issues does not easily lend itself to traditional testing since real-world problems rarely have simple right or wrong answers. Rather, many teachers are interested in assessing students' reasoning abilities. Robert Sternberg (1987) states that "it is best to think of critical thinking as developing depth in successive layers, without any limit to the possible depth one can achieve... The concept of mastery does not apply because there is no 'ceiling' to the level of performance... no matter how well someone thinks, everyone can stand improvement, and everyone can improve."

2. Discussion as a means of assessing substantive understanding. In the real world of citizen participation and involvement, discussion may be the context in which we are most often called upon to present information. While discussion may provide an opportunity for students to develop substantive understanding of issues, it is probably not the most efficient way of measuring how much a student knows about a public issues. Essay exams and traditional tests would provide a better way for students to reveal their knowledge systematically. However, assessing understanding through discussion is important because it is the setting in which citizens are expected to communicate their understanding of complex issues. Thus, students need feedback on how effectively they convey content in this context. They need to know that opinions are not enough—that they must be supported by facts and reasoning. Accuracy, depth, and powerful examples are important.

3. Discussion as a means of assessing skills of oral discourse (procedural understanding). When discussion is assessed, procedural abilities (behaviors both negative and positive) are the most often assessed because they are clearly observable. These skills include responding positively to others, allowing others to speak valuing others' opinion, listening to others. It is the lack of such skills that often prevents teachers from offering opportunities for students to have discussions. While these skills are easily observed, they are not easy to teach. Extensive opportunities to learn and practice must be provided before students' skills should be assessed or graded.

While there are many purposes for discussion, the focus of this chapter is on discussion as a means of clarifying public controversy and then on more specific learnings that are intended to result from such discusions.

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Debate has many valid purposes within politics and within civic education, but it is not always helpful within discussion. Unfortunately, students bring "debate" skills and derail discussion in their fervor to win arguments. Models set by *Firing Line* and other popular media support this view. Where do students experience the models of civic discourse that we want them to adopt? For that matter, where do teachers experience these models? If students see the goal as winning arguments rather than dialogue, they are likely to miss opportunities. Too often participants become opponents out to win rather than partners seeking understanding. According to Ronald Morris (1988), "Genuine dialogue is never easy; it requires a fundamental openness to the other, mutual listening and sharing. And perhaps most importantly, it requires a sense of humility, a sense that one can still grow in understanding and a sense that one can learn from others."

Civic educators can select from a variety of discussion models. Three are presented below for teachers to consider and adopt for their classroom.

Educators for Social Responsibility Model

Educators for Social Responsibility (ESR) have laid out the following comparison between skills of debate and dialogue:

- In debate one searches for glaring differences; **in a dialogue, one searches for basic agreements.**
- Debate is oppositional—two sides oppose each other and attempt to prove each other wrong; **a dialogue is collaborative—two or more sides work together toward common understanding.**
- Debate defends assumptions as truth; **dialogue reveals assumptions for re-evaluation.**
- Debate creates a closed-minded attitude, a determination to be right; **dialogue creates an open-minded attitude, an openness to being wrong and an openness to learning.***

A process for dialogue outlined by ESR includes the following steps:

1. Presentation of positions.

2. Questions by each group followed by an attempt to restate the other group's position as accurately as possible.

3. Presentation by each group of a list of the agreements between the two positions.

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*Adapted from *The Comparison of Dialogue and Debate*, by Sheldon Berman and the Boston Area Educators for Social Responsibility Dialogue Group. © 1983 Sheldon Berman.

4. Presentation by each group of the questions that both can explore to resolve some of their differences.

ESR's work has been adapted by many groups. One of these organizations, *Study Circles Resource Center* (1993) utilizes the guidelines for discussion of social and political issues over a series of meetings. Complex topics such as violence are broken into smaller chunks so that controversy can be dealt with in depth. Deliberation is the goal, not agreement. Individuals can select social or political actions apart from the study.

Factors that can influence how able students are to resist the urge to debate include the topic selected for discussion and the directions teachers give regarding what students are to do with what they learned through the discussion. Discussions of highly charged topics are particularly prone to deteriorate into debates, especially when students are first learning the skills of dialogue referenced above. Allowing students to practice their skills on less emotional issues is a good strategy. Another way to provide motivation for dialogue, even on very controversial issues, is to tell students before the discussion that they will have to write a paper after the discussion in which they restate and reflect on the arguments against their position. Such an assignment can prompt students to listen more carefully than they might normally do in the heat of discussion.

If students are discussing a classroom-based issue on which they must reach a decision (e.g., a code of conduct during large group discussion), the temptation to lapse into debate will be high, since students will want their views to prevail. However, if the teacher requires that students reach a consensus position—one to which all students can agree—students will need to listen to one another in order to identify points of compromise. It should be noted, however, that reaching consensus is a difficult skill that will take practice, coaching, and more practice. There are also issues on which consensus is inappropriate because differences are simply too great; asking students to reach consensus on such issues can result in great frustration.

Discussions on issues that will require individual student action, such as deciding whom to vote for in a school election, present yet another challenge. Here again the teacher may find it useful to offer some incentive for listening to opposing viewpoints; for example, students might be required to prepare a poster or editorial showing the major differences between the candidates. As students gain in discussion skill, these kinds of assignments can be phased out.

Considering all these factors in selecting issues for discussion and setting up the directions for discussion, in addition to providing students with instruction and practice in using dialogue skills, are important steps in achieving discussions that can be authentically assessed.

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Reflection/Exercise

A current events discussion deteriorates into a debate. Few students are involved. Students aren't listening to each other. How might you package the information above to help your students develop skill in dialogue?

Socratic Discussion Model

The Socratic discussion is another form of discussion applicable to civic education. The seminar is a discussion in which participants explore a text, problem, or experience with the aim of increasing their understanding. Participants ask questions and explore each other's answers and examine different perspectives. The seminar is a forum in which participants can pull previous ideas together to construct personal meaning. Teachers in this project have not attempted to authentically assess Socratic discussions. A few, however, feel that this strategy has strong potential for use with Supreme Court decisions as texts.

Grant Wiggins (1994) suggests that students can be introduced to seminar roles, which will help them become productive participants in a seminar. Wiggins presents these roles as follows:

These roles, once understood and practiced, become very useful in prescribing responses for student weakness in seminar. Thus, overly-dominant students can be assigned listening roles for 10 minutes, for example. Or, with large classes and a fair number of quiet speakers, the class can be divided in half (with the talkative ones in one group). While one half conducts the discussion, the other half can take on listening roles.

As Speaker

- *Explorer.* Let's try a new path or perspective...
- *Gadfly.* Everyone seems to be too easily content with saying...
- *Sherlock Holmes.* I think we have overlooked an important clue (comment/bit of text)...
- *Librarian.* Here's a passage in the text that supports your point...
- *Matchmaker.* What you are saying is a lot like what Sue said earlier...
- *Judge Wapner.* Let's see what the argument is between you two and try to settle it...
- *Will Rogers.* Let's find a way to make this seemingly odd/unpleasant/incorrect comment more plausible or helpful...

As Listener

- *Journalist.* Summarize the important points briefly.
- *Map-maker.* Make a visual chart of paths and terrain covered in the conversation, noting major "landmarks" and "twists and turns."
- *Shadow.* Listen to and observe one person for a fixed period of time, noting their comments and behavior (effective in large classes and for listening skill practice).
- *Referee.* Judge which "moves" in the discussion seem warranted or unwarranted (in terms of content) and exemplary of or outside the "rules" of good seminar behavior (in terms of process)
- *Coach.* Diagnose the overall "play" and propose some new ones, improvements in performance, strategies, etc.

Harvard Social Studies Project Model

In the 1960s, the Harvard Social Studies Project developed a structured model in which students discussed persisting public issues using historical cases. The Public Issues model involves identifying areas of disagreement as being ethical or value questions, definitional issues, or fact-explanation issues. For each type of issue, particular strategies for resolving issues or advancing positions are available. Key among these strategies is the use of the analogy—a case that is similar to the case under discussion. Examining the distinctions among the cases helps discussants clarify their views on the original issue.

David Harris, Social Studies Consultant for the schools of Oakland County (MI), has developed a training manual for teachers to use in assessing students' discussion of a public issue. As a consultant to this project, he provided a starting point for teachers to reflect on their classroom practice and to improve their ability to clarify expectations to students and assess their progress systematically. The training packet that David has developed is too long to include within this publication but will apppear as a chapter in a forthcoming book edited by Evans and Saxe.

The training model that David used in the workshop for this project involved introducing the scoring criteria in two forms. The first chart (Figure 5.1) presents the performance criteria, while the second chart (Figure 5.2) uses those criteria as the basis of a scoring rubric. Once teachers were familiar with the criteria and format of the scoring rubric, David explained that he wanted teachers to observe individual students participating in videotaped small-group discussion of a public issue. Participants were asked to score these students and then, following the videotape, to compare and discuss their ratings. The discussion that followed viewing and rating by individuals indicated some agreement on the quality of student performance and some disagreements that led to important questions that are worthy of discussion at all levels of the educational system:

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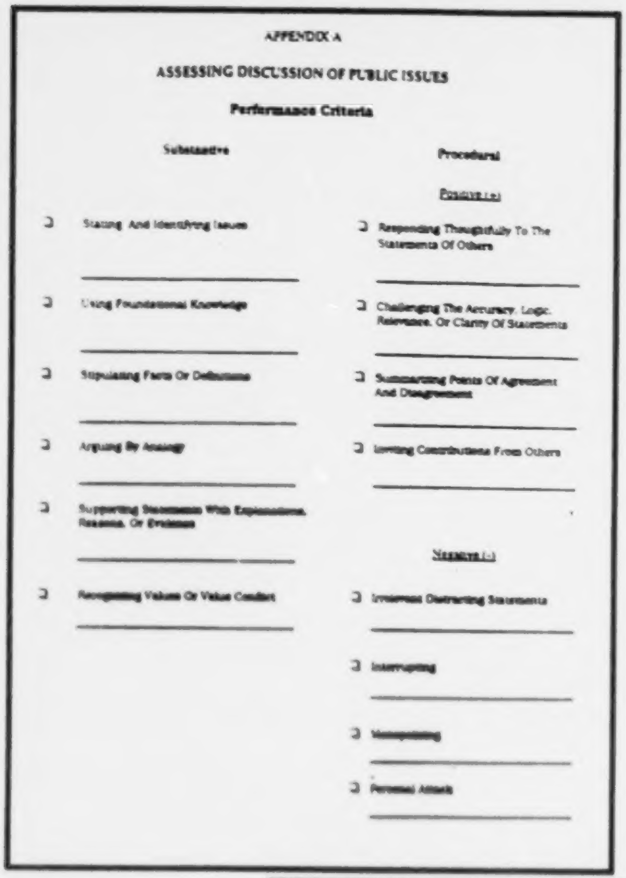


APPENDIX A

ASSESSING DISCUSSION OF PUBLIC ISSUES

Performance Criteria

Substantive

☐ Stating And Identifying Issues

☐ Using Foundational Knowledge

☐ Stipulating Facts Or Definitions

☐ Arguing By Analogy

☐ Supporting Statements With Explanations, Reasons, Or Evidence

☐ Recognizing Values Or Value Conflict

Procedural

Positive (+)

☐ Responding Thoughtfully To The Statements Of Others

☐ Challenging The Accuracy, Logic, Relevance, Or Clarity Of Statements

☐ Summarizing Points Of Agreement And Disagreement

☐ Inviting Contributions From Others

Negative (-)

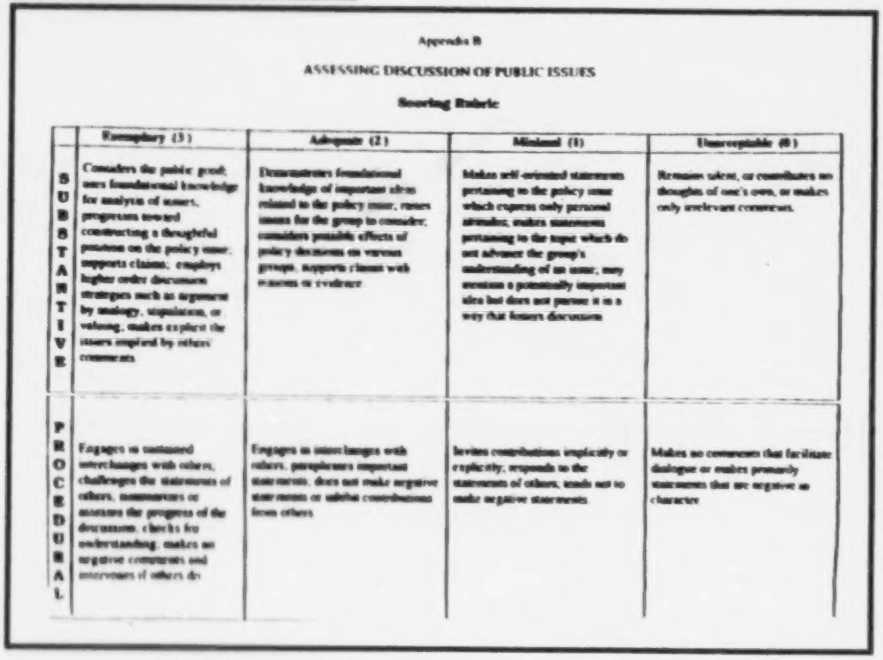
☐ Irrelevant Distracting Statements

☐ Interrupting

☐ Monopolizing

☐ Personal Attack

Figure 5.1. Performance criteria for discussion of a public issue.



Appendix B

ASSESSING DISCUSSION OF PUBLIC ISSUES

Scoring Rubric

	Exemplary (3)	Adequate (2)	Minimal (1)	Unacceptable (0)
S U B S T A N T I V E	Considers the public good; uses foundational knowledge for analysis of issues; progresses toward constructing a thoughtful position on the policy issue; supports claims; employs higher order discussion strategies such as argument by analogy, stipulation, or valuing; makes explicit the issues implied by others' comments.	Demonstrates foundational knowledge of important ideas related to the policy issue; raises issues for the group to consider; considers possible effects of policy decisions on various groups; supports claims with reasons or evidence.	Makes self-oriented statements pertaining to the policy issue which express only personal attitudes; makes statements pertaining to the topic which do not advance the group's understanding of an issue; may mention a potentially important idea but does not pursue it in a way that fosters discussion.	Remains silent, or contributes no thoughts of one's own, or makes only irrelevant comments.
P R O C E D U R A L	Engages in sustained interchanges with others; challenges the statements of others; summarizes or monitors the progress of the discussion; checks for understanding; makes no negative comments and intervenes if others do.	Engages in interchanges with others; paraphrases important statements; does not make negative statements or inhibit contributions from others.	Invites contributions implicitly or explicitly; responds to the statements of others; tends not to make negative statements.	Makes no comments that facilitate dialogue or makes primarily statements that are negative in character.

Figure 5.2. Rubric for scoring public issues discussions.

- What are the most important outcomes to assess?
- Should the ability to participate constructively in a civic discussion be expected of all students? Is it fair to assess the oral participation of quiet or shy students? Does oral discourse favor some culural groups and disadvantage others? Are boys and girls equally capable of participating in discussions of public issues?
- How can the discussion skills embodied in the performance criteria be taught? How should the teacher model these discussion skills, and how can they be practiced by students?
- How can student discussion be captured for analysis? Is it necessary to videotape a discussion? Could an audiotape be scored or could a live discussion be scored while it occurs?

Teachers responded very positively to Harris's training model. The modeling and discussion with peers motivated several participants to formalize criteria and assessment of discussion in their classrooms. Generally, the teachers felt that the Harris model needed adaptation—particularly simplification—for their classrooms. Harris's model is something they will strive for by building from more basic and discrete statements of skills.

Presented below are case studies in how and *why* people have adapted David's model. These stories are offered to inspire teachers to:

- Use real public issues that arise within the school setting, the local community, the state, the nation, or elsewhere in the world.
- Provide opportunities for youth to participate in public issues discussion.
- Develop assessment techniques to help students state ideas with precision and clarity and progress toward constructing a thoughtful position on a question of public policy.

Case Studies in Discussion of Public Issues

Monique Taylor of North Middle School in Aurora, Colorado, developed an interest in using discussion during her methods class at the University of Colorado taught by John Zola. She has conducted scored discussions in both large- and small-group settings.

Some background on her story: A monument to a frog (and to the importance of discussion of school-based public issues) stands in the courtyard at North Middle School. Two years ago, a long-term substitute teacher presented a laboratory-based biology lesson in which each student was asked to dissect a frog as part of a unit on body systems. For unknown reasons, one student, with abject indifference to the directions, jokingly sliced his specimen in several pieces. Fellow students, upset by this behavior, spilled from the classroom—some seeking consolation and others, particularly those concerned about animal rights, seeking redress of grievances on behalf of the frog.

Fortunately, the frog incident was viewed as an opportunity to build authentic civic education and assessment into the curriculum through the discussion of a school-based issue of prime importance to a significant number of students. Using David Harris's model, Monique provided each of her 100 students with the opportunity to practice the skills of personal (and civic) decision-making on this issue of particular relevance to middle-age students. Monique describes her experience:

Properly implemented, a discussion could offer a powerful lesson on how controversies are addressed in a democratic society.

My colleagues were of strong, but mixed opinion. One teacher received an F in high school biology for refusing to participate in dissection while another strongly advocated dissection for all because the lab experience models scientific investigation. Parental notes (as many as five per class) requesting that students be excused from frog dissection suggested that this was an issue at the dinner table and on the playground. The need for substantive investigation into the issues was obvious to me. Was eliminating dissection as an instructional option any better than requiring it?

I wanted to structure a lesson in which students could select from more than one educationally defensible strategy (dissection, live frog analysis, computer simulation) for demonstrating how they would apply their understanding of body systems. My social studies training convinced me that practice in civic discourse was a strategy for helping students gain a deep understanding of an issue that, without intervention, would be discussed at a superficial and overly emotional level.

Properly implemented, a discussion could offer a powerful lesson on how controversies are addressed in a democratic society. My goal was to help my students to understand their personal views more clearly—particularly the reasons for supporting a closely-held value and for understanding differing opinions. Many of my students saw good performance and good grades as "winning" the argument.

The instruction began with a focus question: "What do you need to know and do before deciding whether to learn about body parts through dissection?" Students explored **definitional issues, fact-explanation issues,** *and* **ethical and value issues** *following presentations by a resource person from the American Humane Association who helped assemble resource materials and presented the cases for and against dissection from perspectives of animal rights advocates. Research was organized through questions regarding the importance of animal research to society, why research is harmful to animals, alternatives to dissection, and arguments for dissection.*

To assess the discussion, I observed and videotaped the discussion. Each student received feedback on his/her performance on the criteria and a grade. I was pleased with students' ability on a procedural level. They were particularly good at **acknowledging statements of others:**

"Back to what you were saying..." "This question is for Cary." There was little ***interrupting*** *or* ***monopolizing****. At this level, the discussion was working! On the substantive dimension, they also had some strengths, particularly related to* ***challenging the logic and accuracy of statements****: "Some animal tests do not benefit mankind." I could also identify some next steps that I wanted to take in developing their ability to develop substantive understanding through discussion. In particular, I would like them to improve their ability to* ***argue using analogy****. They tried using analogies with such statements as "If your grandmother were on death row..." "Wouldn't it be better for Charles Manson to die than an innocent animal?" —but obviously they have a long way to go. No one* ***summarized points of agreement or disagreement****. It will take more work, but given their progress, I think seventh-graders can learn many of these skills.*

Following the discussion, each student presented me with a written statement of their decision supported with reasoning regarding which of the alternatives they had selected to demonstrate their understanding of body systems. More importantly, there was no whining, complaining, or throwing of frog parts. Discussing a public issue can result in a commitment to not only what you are learning but also making choices about how you will do it.

By reflecting on her own practice and analyzing the work of her students, Monique has taken important steps toward using assessment for improving instruction and for setting targets for improving student achievement. Hopefully, Monique's story will encourage others to consider the potential for public issues discussion as a means for setting higher expectations for their students.

Roger Westman is a department chair at Wilson High School in Tacoma, Washington. A social studies teacher with 32 years experience, he is currently teaching two semester-long courses, "You and the Law" and "World Problems," to regular (non-advanced placement) students. His law class addresses the U.S. Constitution as the basis for law and devotes some time to the structure of government, with emphasis on public policy and law-making. Most of the semester is spent on the Bill of Rights.

Roger teaches in a department where lecture is the dominant presentation style. Many students signed up for his class because they knew that he places a great deal of emphasis on student participation in discussion. One of his favorite formats for discussion is issues drawn directly from election year voter guides that outline initiative and referendum measures and are provided by the state and local government. He estimates that about 60 percent of class time is spent in large- or small-group discussion of many different types. The textbook is used as a resource along with current periodicals, videos, teacher-developed handouts, and materials from Upscil, the state law-related education project. The World Problems class focuses on events that are shaping the future. Environmental topics, incluing population and terrorism, have

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been priorities of students. Here is Roger's description of how his practice has developed as he began focusing on authentic assessment:

> *As a participant in the Authentic Assessment in Law-Related Education project, my goal was to develop an assessment to give individual students feedback about their achievement within small-group discussion. I entered the training experience somewhat skeptical about what I might learn. I'm a practitioner not a theoretician. I hoped for something that was relevant to my classroom. David Harris provided an outstanding starting point for me. He is a theoretician and practitioner who helped me define what it is that he wanted to measure and to what end. David was willing to talk to me, to nourish me—he recognized my frustrations. He (and others) complimented me for my efforts and stayed with me until I had criteria for me and my students to use in discussion.*
>
> *In outlining the criteria for my students, I wanted separate columns for group discussion skills, knowledge and use of content, and higher order thinking. I knew I should start by focusing on mechanics and the interaction between mechanics and content. For example, I wanted students to understand the positions on both sides of an issue and use that information in taking a stand.*
>
> *Using the summaries of issues from the guide and information secured through additional research, students convened in groups of five. The task I provided students related to analysis of issues that were before the voters. I've used different formats for this task: One variation is to place the students in the position of legislators who must vote following a discussion of the issues with fellow legislators. Another is to have them look at the issue as a voter who develops a position and then meets with other citizens to discuss an issue with an elected official. In using the legislative committee format, my goal is to show that making laws is not easy. I want students to feel the conflict between voting your position and voting as a representative of a large number of people following conflicting testimony.*
>
> *Preparation for the discussion involved providing each student with a voter's guide and assigning students to small groups (four or five students) based on the issues they selected. Before providing a day of classtime for research, I carefully reviewed the criteria for discussion using the rubric I developed at the workshop (see Figure 5.3).*
>
> *Each small group presented their discussion to the class and the video camera consecutively. For the first discussion, I reinforced the instruction by using cue cards to remind students of criteria that will enhance their performance. Students also internalize the criteria as observers. Students were asked to complete a reaction sheet (see Figure 5.4) and also to serve as raters for some of the discussions using David Harris's model. Using students as raters solved the problem of audience apathy. I was pleased and surprised at the degree of interrater reliability that my students achieved with limited training. Another teacher from Washington State, Rick Nagel, expressed concern that stu-*

Using students as raters solved the problem of audience apathy.

SCORED DISCUSSION EVALUATION SHEET

<table>
<tr><th></th><th colspan="2">GROUP DISCUSSION SKILLS</th><th colspan="2">KNOWLEDGE & USE OF CONTENT AREA</th><th colspan="2">HIGHER ORDER THINKING SKILLS</th></tr>
<tr><td></td><td colspan="2">Scoring
0—Made no comment that facilitates dialogue
Made primary statements that are negative in character
1—Made little attempt to ask clarifying questions, summarize points of agreement/disagreement, or build on one another's ideas.
Showed little evidence of listening to others, treating others with respect, or encouraging other group members to contribute
2—Showed some attempt to ask questions, summarize points of agreement/disagreement, or build on another's ideas
Showed some evidence of listening to others, treating them with respect, and encouraging others to contribute
3—Often asked clarifying questions, summarized points of agreement/disagreement, or expanded on another's ideas.
Listened intently to others, treating them with respect, and actively encouraged all group members to contribute</td><td colspan="2">Scoring
0—Contributed no thoughts of one's own
Made only irrelevant distracting comments
1—Showed little or no knowledge of the assigned topic, issue, or principle
Had difficulty relating concepts in assignment to their own experiences
2—Dealt in a general way with the assigned topic, concept, or issue
Showed some knowledge of the pertinent principles, issues, etc., without complete accuracy
3—Showed accurate knowledge of pertinent facts, understandings, and depth of the assigned topic
Easily identified the major concepts and issues as they related to their own experiences
Recognized several significant conflicts and differences based upon values and perceptions</td><td colspan="2">Scoring
0—Completely ignored the positions/reasons offered by others
Offered no reasons in support of position/comments
1—Occasionally paid attention to others' positions/reasons but was too quick in accepting or in dismissing them
Infrequently offered reasons and/or offered reasons that are obviously flawed (inaccurate, irrelevant, too simplistic), excessively self-serving
2—Often incorporated or thoughtfully reacted to others' positions/reasons
Often provided reasons for positions that are usually accurate and relevant
3—Consistently took seriously positions/reasons offered by others and, when appropriate, incorporated them
Consistently offered clear, thoughtful, and complex reasons for positions</td></tr>
<tr><td>Student Name</td><td>Score</td><td>Comments</td><td>Score</td><td>Comments</td><td>Score</td><td>Comments</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
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<tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
</table>

Group Total

Figure 5.3. Roger Westman's discussion rubric.

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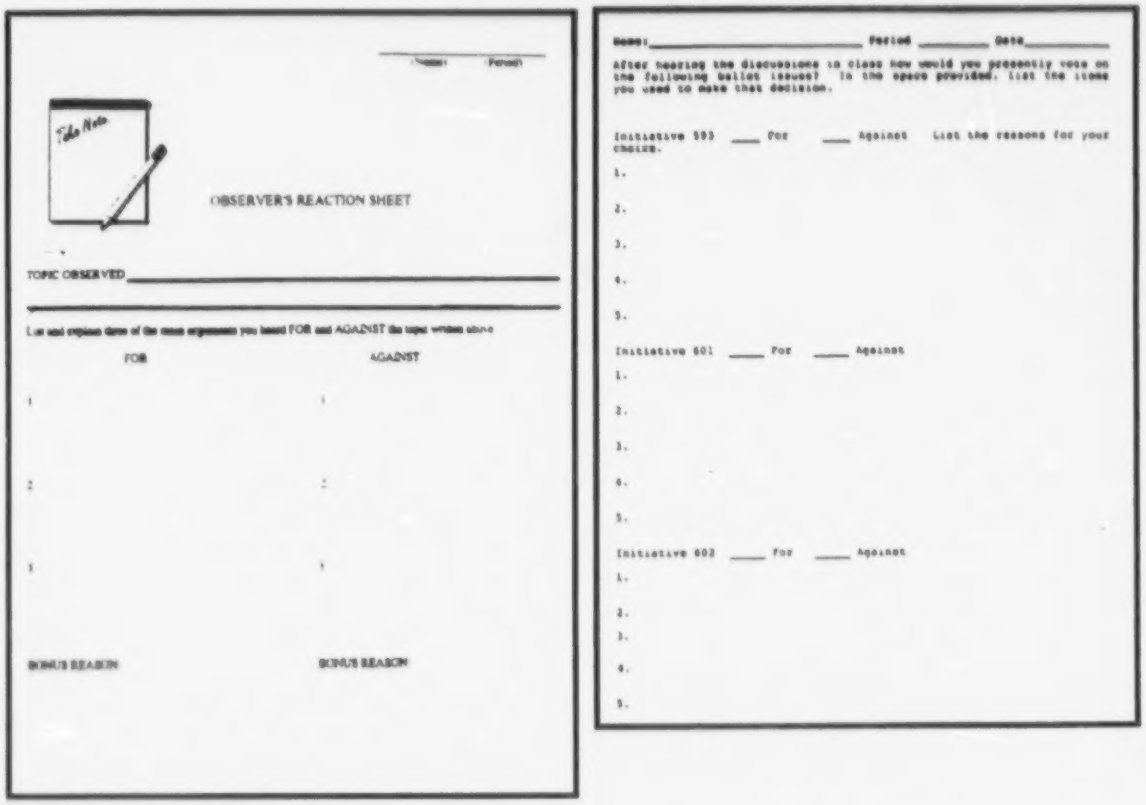
dents were too accepting of the assessment ratings: "If the teacher is trusted, even an inaccurate assessment will be accepted."

Roger is pleased with the progress his students have made in all areas of discussion. In reviewing a videotape made in his clasroom in which students gave a mixed performance (more unsubstantiated opinion than Roger wanted, one student remaining silent), he observed that "students would really improve if given a second day on the same topic." He continued, "Other teachers should know that the process of improving my student's performance started with me. I had to look at what I wanted students to do. Using the scoring rubric that I created caused my students to take discussion more seriously."

Deborah Teichman is a Michigan teacher who also had an opportunity for training in public issues discussion with David Harris. Like the other teachers, she modified Harris's criteria to meet her students' needs because the rubric contains unfamiliar terms. For example, her students did not know what *stipulating* and *elaborating statements* were. She realized that she valued many of the criteria that were unfamiliar to her students and wanted them to work on these characteristics.



(Name) (Period)

OBSERVER'S REACTION SHEET

TOPIC OBSERVED ____________________

List and explain three of the main arguments you heard FOR and AGAINST the topic written above

FOR	AGAINST
1	1
2	2
3	3
BONUS REASON	BONUS REASON

Name: ____________ Period ______ Date ______

After hearing the discussions in class how would you presently vote on the following ballot issues? In the space provided, list the items you used to make that decision.

Initiative 593 ____ For ____ Against List the reasons for your choices.

1.
2.
3.
4.
5.

Initiative 601 ____ For ____ Against

1.
2.
3.
4.
5.

Initiative 602 ____ For ____ Against

1.
2.
3.
4.
5.

Figure 5.4. Reaction sheet used in Roger's classes.

However, significant preteaching was needed before students could use the criteria. With the help of a fellow teacher, Deborah developed and staged role plays of many of the performance qualities that she wanted students to develop. For example, she and her colleague role played how stipulating to a claim or definition can move a discussion forward when there is disagreement and no way to quickly get the needed information. She provided examples of other key points, such as what a value is. In this case, Deborah highlighted freedom as a democratic value and described how the free exercise of her religion could come into conflict with someone else's religious freedom. Students then were asked to identify a conflict between states' rights and the power of the federal government.

Ginny Jones teaches several basic skills classes at Skyline High School in Longmont, Colorado. She finds that many of the students in her classes have very limited experience in participating in discussions in academic settings. Her approach to preparing students for discussion of public issues is to "score" students on their abilities in whole class discussion that she leads. She describes the process she uses:

I have adapted the scored discussion strategy to facilitate class discussions. Make a transparency with all student names included, and with a chart such as the one here (Figure 5.5). Then quietly make the marks on the transparency as the discussion proceeds. Sometimes a

Period 4 -- U.S. History

Joe A
Justin B
David B
Greg C
Lee E
Jason E
Sonny F
Jessica F
Sheri G
Tracy G
Bill H

Susan K
Oscar L
Ryan M
Tino N
Dawn P
Katie P
Tony S
Levon S
Mandy S
Shawn T
Cassie W

POSITIVE

2 pts	Pos	Taking a position on a question
1 pt	R	Making a relevant comment
2 pts	Ev	Using evidence to support a position
1 pt	F	Presenting factual information
2 pts	Dr	Draw another person in
1-2 pts	Mv	Moving discussion along
2 pts	RCon	Recognizing contradictions in other's statements/arguments
2 pts	RIr	Recognize another's irrelevant comments
2 pts	An	Making an analogy
1-2 pts	?	Asking clarifying question

NEGATIVE

Not paying attention	Not	-2 pts
Distracting others	Dis	-2 pts
Interruption	Int	-2 pts
Irrelevant comment	Ir	-1 pt
Monopolizing	Mon	-3 pts
Personal attack	PAt	-3 pts

Figure 5.5. Ginny Jones's form for marking a whole-class discussion.

student helps with the marking, sometimes I do it. In the beginning it's done "publicly," later it's often done privately. As students become accustomed to supporting their opinions, drawing each other in, asking questions—and talking to each other (as opposed to conversation to and through the teacher)—their class discussions will be markedly improved, whether or not you "mark" the discussion.

To emphasize analogies, or balanced participation, or using evidence to support an opinion, just increase the points for that particular category on any day or time period. To carry on a discussion from the previous day, just keep marking, possibly in a different color, or start anew.

In reviewing the case studies of public issues discussion presented here, David Harris listed several tips for teachers to consider in working to improve instruction and assessment related to discussion:

- Provide students with an adequate set of resources for understanding an issue. Use people as well as print and video material. On-line computer searches can provide access to news stories and other background sources. Insure that students have access to a range of perspectives to insure balance.

- Develop discussion-based lessons that place the students in the role of *citizens* making a decision on an issue of public concern. Role playing an official can have instructional value but does not provide students with the opportunity to construct and justify their own opinions.

- Try to state criteria in qualitative terms. It may be hard to explain the difference between "often takes" positions and "consistently takes" positions, for example. Students need to know the qualities that make a difference.

- Use a "fishbowl" format so that each student involved in the discussion is paired with an observer from the outer circle. The observer can provide very specific feedback to their partner.

- Consider using videotaping as a tool for assessing discussions and allowing students to complete self-assessments. Teachers have found there are many logistical problems in videotaping small-group discussions on a large scale. Try to find a small quiet room (an improvised studio) and appropriate equipment that picks up students' voices clearly. Secure the help of a school media specialist and/or teach students to set up the equipment and record their own discussions. One possibility is to have one small group in a class be excused to produce their video each day of a given week. With advance planning and persistence, problems with videotaping can be overcome.

- Investigate new technology. Messaging and conferencing capacities of computers enable students to have electronic conversation within the school and far beyond. The teaching method called "directed discussion," used with the orginal Harvard Public Issues series, comes to mind. Students in small groups conferenced and then one of them made a statment into a tape recorder (think e-mail). Students from another group discussd the opening statement and then sent a representative to record a reply. The groups alternated until all students had one or more chances to record a statement for their group. The result was a recorded dialogue, the quality of which could be assessed.

Reflection/Exercise

Reflect on the various approaches to discussion and assessment of discussion described above. Which approach and rubric would you be most likely to use in your class? Why? What instruction in discussion skills would students need before they could produce discussions that meet the standard described in the rubric you have selected? What techniques would you use to give students the opportunity to practice and observe discussion skills?

A Case Study in Debate

While our project emphasized discussion and dialogue rather than debate, we recognize that many teachers value the debate strategy. They believe debate provies opportunities to develop a range of skills, particularly in argumentation, as well as substantive understanding. In addition, they value the discipline that successful debate requires. The central purpose of debate is to persuade others to accept a position that has already been established on an issue, whereas the major purpose of discussion is to clarify thinking and construct a position through conversation.

Sally McElroy and Patti Taylor, teachers in Frederick, Colorado, have developed an interesting debate assessment task for their team-taught American Studies course. The unit, "Censorship: The Adventures of Huckleberry Finn," brings together study of First Amendment issues and the novel *Huckleberry Finn*. The two-week unit culminates in a debate focused on the following issues: (1) the boy Huck Finn, as characterized by Mark Twain, is an immoral character—a racist, a liar, and a thief; (2) furthermore, the book *The Adventures of Huckleberry Finn* should be banned/censored from schools because it promotes racism and immoral behavior.

Sally and Patti describe their unit:

We had four learning outcomes for the unit:

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- *Students will develop and practice skills for researching and accessing information.*
- *Students will develop and practice argumentation, questioning, and debate skills.*
- *Students will demonstrate understanding of the Constitution.*
- *Students will demonstrate collaborative skills.*

The assessment and scoring rubric were distributed (see Figure 5.6) at the beginning of the unit so that students knew from the start what they were working toward. Learning activities were designed to enable students to gather overall knowledge of the Constitution and then to focus on specific provisions that would either support or refute the case for banning Huck Finn.

We spent approximately five class periods in history studying the Constitution as a class (large- and small-group activities). Particular attention was focused on the Bill of Rights, especially the First Amendment. Such cases as Pico, Yoder, and Tinker were analyzed. In English classes, students read and discussed Huck Finn and learned debate skills. The students then spent four days working on the assessment (planning for the debate, determining questions, planning answers). The final day featured the debates.

Reflection/Exercise

What advantages do you see to using a debate format for this activity, rather than a discussion or dialogue format? What disadvantages do you see in using the debate format? Which format would you use if you were implementing this activity? Why?

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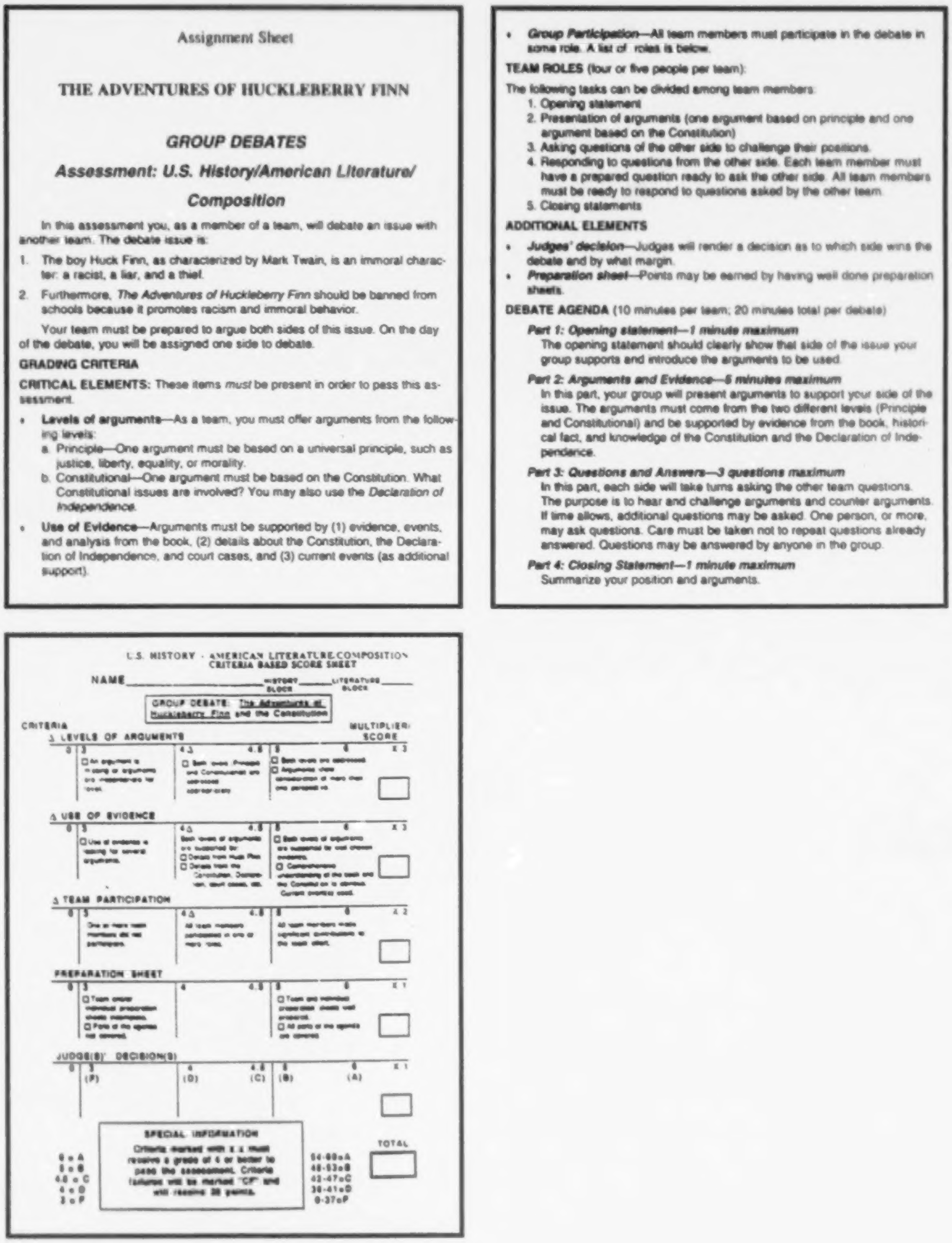

Assignment Sheet

THE ADVENTURES OF HUCKLEBERRY FINN

GROUP DEBATES

Assessment: U.S. History/American Literature/ Composition

In this assessment you, as a member of a team, will debate an issue with another team. The debate issue is:

1. The boy Huck Finn, as characterized by Mark Twain, is an immoral character: a racist, a liar, and a thief.
2. Furthermore, *The Adventures of Huckleberry Finn* should be banned from schools because it promotes racism and immoral behavior.

Your team must be prepared to argue both sides of this issue. On the day of the debate, you will be assigned one side to debate.

GRADING CRITERIA

CRITICAL ELEMENTS: These items *must* be present in order to pass this assessment.

- **Levels of arguments**—As a team, you must offer arguments from the following levels:
  a. Principle—One argument must be based on a universal principle, such as justice, liberty, equality, or morality.
  b. Constitutional—One argument must be based on the Constitution. What Constitutional issues are involved? You may also use the *Declaration of Independence*.
- **Use of Evidence**—Arguments must be supported by (1) evidence, events, and analysis from the book, (2) details about the Constitution, the Declaration of Independence, and court cases, and (3) current events (as additional support).
- ***Group Participation***—All team members must participate in the debate in some role. A list of roles is below.

TEAM ROLES (four or five people per team):

The following tasks can be divided among team members:

1. Opening statement
2. Presentation of arguments (one argument based on principle and one argument based on the Constitution)
3. Asking questions of the other side to challenge their positions.
4. Responding to questions from the other side. Each team member must have a prepared question ready to ask the other side. All team members must be ready to respond to questions asked by the other team.
5. Closing statements

ADDITIONAL ELEMENTS

- ***Judges' decision***—Judges will render a decision as to which side wins the debate and by what margin.
- ***Preparation sheet***—Points may be earned by having well done preparation sheets.

DEBATE AGENDA (10 minutes per team; 20 minutes total per debate)

Part 1: Opening statement—1 minute maximum
The opening statement should clearly show that side of the issue your group supports and introduce the arguments to be used.

Part 2: Arguments and Evidence—5 minutes maximum
In this part, your group will present arguments to support your side of the issue. The arguments must come from the two different levels (Principle and Constitutional) and be supported by evidence from the book, historical fact, and knowledge of the Constitution and the Declaration of Independence.

Part 3: Questions and Answers—3 questions maximum
In this part, each side will take turns asking the other team questions. The purpose is to hear and challenge arguments and counter arguments. If time allows, additional questions may be asked. One person, or more, may ask questions. Care must be taken not to repeat questions already answered. Questions may be answered by anyone in the group.

Part 4: Closing Statement—1 minute maximum
Summarize your position and arguments.

U.S. HISTORY · AMERICAN LITERATURE/COMPOSITION
CRITERIA BASED SCORE SHEET

NAME ________________ HISTORY BLOCK ______ LITERATURE BLOCK ______

GROUP DEBATE: The Adventures of Huckleberry Finn and the Constitution

CRITERIA — MULTIPLIER/SCORE

Δ LEVELS OF ARGUMENTS

0	3	4 Δ	4.5	5	6	x 3
	☐ An argument is missing or arguments are [illegible] for level.	☐ Both levels Principle and Constitutional are addressed [illegible]		☐ Both levels are addressed. ☐ Arguments show consideration of more than one perspective.		☐

Δ USE OF EVIDENCE

0	3	4 Δ	4.5	5	6	x 3
	☐ Use of evidence is lacking for several arguments.	Both levels of arguments are supported by: ☐ Details from Huck Finn ☐ Details from the Constitution, Declaration, court cases, etc.		☐ Both levels of arguments are supported by well chosen evidence. ☐ Comprehensive understanding of the book and the Constitution is evident. Current events used.		☐

Δ TEAM PARTICIPATION

0	3	4 Δ	4.5	5	6	x 2
	One or more team members did not participate.	All team members participated in one or more roles.		All team members made significant contributions to the team effort.		☐

PREPARATION SHEET

0	3	4	4.5	5	6	x 1
	☐ Team and/or individual preparation sheets incomplete. ☐ Parts of the agenda not covered.			☐ Team and individual preparation sheets well prepared. ☐ All parts of the agenda are covered.		☐

JUDGE(S)' DECISION(S)

0	3	4	4.5	5	6	x 1
	(F)	(D)	(C)	(B)	(A)	☐

6 = A
5 = B
4.5 = C
4 = D
3 = F

SPECIAL INFORMATION

Criteria marked with a Δ must receive a grade of 4 or better to pass the assessment. Criteria failures will be marked "CF" and will receive 38 points.

54-60=A
48-53=B
42-47=C
38-41=D
0-37=F

TOTAL ☐

Figure 5.6. Debate assessment task and rubric.

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Chapter 6: Performance Assessment: Mock Trials, Moot Courts, and Simulated Legislative Hearings

Performances in civic education take a variety of forms reflecting the work of elected public officials, the "office of citizen," and the professional training of many social scientists and law-related professionals. The authenticity of simulated legislative hearings, trial procedures, and appellate hearings are readily perceived by the community, teachers, and their students. Because students are citizens, many of the lessons can be carried into their lives immediately—to student council or student courts. Others call for "perspective-taking"—looking at public policy and the roles of lawyers, judges, witnesses, members of majority and/or minority groups, experts, lobbyists, individuals, special-interest groups, candidates, legislators, disputants, and journalists.

The rationales for using such instructional approaches are varied. In listening to teachers who are enthusiastic about mock judicial and legislative proceedings, several rationales stand out:

- Simulated performances position students to apply what they have learned and give teachers information about how effective the learner will be in taking what has been learned into the jury box or to the ballot box; these activities also help students be more critical consumers of media and influencers of public policy.
- Simulations are engaging. Students learn more because they are involved in their own learning.
- Performances call on students to use complex higher level thinking skills, often in the form of legal reasoning, under conditions that resemble the real world.
- Performances call for emotional involvement, which can result in more powerful learning.

The concept of performance assessment is inherently attractive to law and government teachers because so many of them utilize a wide range of performance-based instructional materials in their courses of study. Teachers who use performance regularly do so because they know that students are more engaged in their learning. However, when it comes to specifying what students have learned, they are usually somewhat tentative about what individual students have learned as a result of the performance. The lack of certainty about achievement comes from the fact that teachers are **making judgments about com-**

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plex interactive performances rather than **checking factual accuracy in stand and deliver presentations**.

Civic educators exploring strategies for assessing performance in an in-depth way find themselves with more questions than answers. The questions they are uncovering are important ones worthy of exploration. At the writing conference, work group discussion centered on such questions as: Are the results worthy of the time spent on the simulation? Are mock legal processes more reflective of social studies or language arts outcomes? Do all students have an opportunity for higher level thinking? Can you really learn the important skills if you are the bailiff? Is the role of the lawyer overly glamorized? Do mock trials glamorize the adversarial process in unrealistic ways? Should all students be required to look at issues of justice from the perspective of juror, since that is the role of citizen in the adversarial system? How many mock processes do students need to participate in to have sufficient opportunity for practice and improvement? What perspectives provide the best view of government? Are the outcomes important enough and comprehensive enough to justify the time needed for exemplary performance?

To answer these questions, teachers first needed to answer the most basic questions: **WHY** use a simulated legislative or judicial process in the classroom? What do you want kids to do that is BEST developed through these activities? Once the key objectives were identified, the work of developing performance assessment involved:

- Clearly stating what will be taught and assessed.
- Defining criteria by which performance will be judged in measurable terms.

The scoring criteria developed during the writing conferences address some, but not necessarily the most highly valued outcomes that teachers aspire to through the mock trial. Did students effectively complete a particular role in a simulation? Did they speak clearly, wear appropriate clothes? Maintain eye contact? All these are important, but beg the question of whether **all students** understand the strengths and weaknesses of the judicial system or had the opportunity to practice asking strategic questions during the extended preparation time. Readers are invited to join developers of these rubrics in closing the gap between engaging activities and engaging activities that produce evidence that students achieved substantive content standards.

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Reflection/Exercise

Can a simulation (performance) serve as an assessment? How should we judge what students learn through a mock trial? Read positions A and B and decide which most closely represents your views. As you critique the scoring rubrics presented in the next section, think about how you would design a rubric or supplementary assessment for use with a mock trial.

Position A: Observing a mock trial is the best way to determine student knowledge and skills.

The **mock trial is a performance task through which teachers judge the quality of student work**. Courtroom interaction, whether it is real or simulated, reflects many values and skills that citizens use on an ongoing basis. We should be judging performances because we need to know if citizens are going to be effective in adapting to specific roles and situations—courtrooms, legislative hearing rooms, voting booths. In real life citizens are judged by the quality of their work. Lawyers' reputations are based on their ability to win and lose cases. The judge, jury, witness, and even the bailiff are judged by the spoken and written word—not by an essay that they write following the event. They practice and prepare for a performance that will not be repeated. The best way to judge their work is feedback from trained and knowledgeable observers—the teacher and/or resource people.

Position B: The mock trial is a worthwhile instructional activity but requires a mix of traditional and open-ended evaluation tools to determine what students have really learned. The mock trial is a complex, interactive instructional activity through which teachers, with help from resource people, develop an understanding of important knowledge and skills and provide opportunity for practicing skills. Observing a mock trial is an inadequate basis for determining if students have developed the range of skills and knowledge required of them as citizens. The performance is complex, interactive, and provides uneven opportunities for students. A good cross-examination, convincing arguments, and eye contact are not indications of students' abilities to analyze the strengths and weakness of the judicial system. To really determine what students learned from the instructional activity, you need evaluations (tests, self-reflections, essays) to gather evidence about students' understanding of judicial process.

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The Mock Trial

A mock trial is an enactment of a criminal or civil judicial proceeding. In criminal trials, the state brings the case against the person accused of the crime. In civil trials, disputes between individuals or groups (e.g., divorce, personal injury, business disagreements) are resolved. Mock trials are both formal and informal—sometimes based on historical events and other times on contemporary issues. Trials can be presented to a judge or to a jury.

Mock trials are designed to inform students about the judicial system, legal processes, and courtroom procedure; to demonstrate the roles of various actors in the legal system; and to provide exposure to legal resource persons. Students are called upon to use a range of basic reading, listening, and writing skills in the process.

The mock trial seems to be the most commonly used simulated civic education exercise. This project focused on the mock trial as an in-class instructional activity rather than the competitive format that often involves a group of students in an after-school activity. In this chapter, we explore some questions or issues raised by teachers in our project to present a picture of the classroom context in which teachers use mock trials and the types of judgments they must make about student achievement. An outline of what is involved in a criminal mock trial is presented in Figure 6.1.

Student Learning

Teachers have much anecdotal information that indicates that mock trials work. Theresa Murray, middle school language arts and social studies teacher in Portland, Oregon, has recorded the following observations from her classroom:

> *For over ten years I have passionately pursued the use of mock trials in my classroom because I am astounded at the high level of performance, the commitment, and the enthusiasm students exhibit. Evidence includes a magical boost of self-confidence and improved thought processes. Chanesa, who had hardly raised her hand all year, volunteered to play a role. I held my breath. Then I watched with wonder the transformation as she performed her role to perfection. She worked diligently on this project like no other. She spoke clearly, distinctly, and with a confidence I had not seen from her before. They write and rewrite statements and questions. They practice speaking over and over—for teachers, peers, and parents. And they enjoy the process.*

Theresa's colleague in developing an assessment of the mock trial, Greg Clevenger, has equal enthusiasm for mock trials in the classroom. Greg also has experience in setting up in-school student courts in which students from his law class actually try cases involving minor infractions

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of school rules. The court was well received by school administrators, community leaders, and the students and publicized in the local media.

Recognizing the need for clarifying the learning outcomes that should be expected from a mock trial, teachers at the writing conference established the following statement of what students would accomplish as a result of participating in a mock trial:

The purpose of a mock trial is for you to demonstrate your understanding of the adversarial process as a way of resolving conflicts. Perhaps more than any country in the world, citizens of the United States rely on the judicial process:

- ◆ *To settle disputes with others.*
- ◆ *To solve questions of fairness and justice.*
- ◆ *To interpret the meaning of state statutes and the Constitution.*

Steps in a Mock Trial of a Criminal Case

1. Opening of the court by the court officer or bailiff.
2. Selection of a jury.
3. Opening instructions by the judge.
4. Opening statements by the attorneys. The prosecution makes its statement first, followed by the defense. Both sides cover the facts of the case, the law as it relates to the facts, and its core theory (what it wants the jury to believe).
5. Presentation of the prosecution's case. The prosecuting attorney calls witnesses and conducts the direct examination. The defense attorney conducts cross-examination of the witnesses.
6. Presentation of the defense case. The defense attorney calls witnesses and conducts the direct examination. The prosecuting attorney cross-examines the defense witnesses.
7. Closing statements by the attorneys. The prosecuting attorney reviews the testimony and evidence presented at trial, argues the facts and law supporting the prosecution's case, and tries to convince the jury to convict. The defense attorney makes a similar case, arguing for acquittal. The prosecutor ends with a short rebuttal of the defense arguments.
8. Instructions to the jury by the judge.
9. Jury deliberations.
10. Reporting of the verdict.

Figure 6.1. Outline of steps in a mock trial of a criminal case...

After participating in a classroom mock trial, you will be able to:

- *Demonstrate in-depth knowledge of legal issues and theories.*
- *Demonstrate understanding of trial procedures and courtroom decorum.*
- *Demonstrate the ability to discuss justice and fairness with other citizens.*
- *Demonstrate perspective taking ability in describing different points of view on an issue.*

Designing the Assessment

The small group that worked to develop strategies for assessing mock trial quickly determined that no single assessment could provide all the information they would want to have to adequately judge student achievement. In fact, many criteria on the observation form actually provide more information about language arts skills than about individual student's understanding of judicial process.

Setting up the Instruction

A basic outline of the procedures and players in a mock trial is found in Figure 6.1 Approaches to using mock trials vary. Theresa Murray makes a strong case that students benefit from a learning-by-doing environment. She feels that literacy is the most basic skill of citizenship. If students are practicing and improving reading, writing, and listening skills in an authentic context, she feels that her students are meeting important citizenship goals. Many teachers report that students who lack writing skills often demonstrate their skills and knowledge through the oral presentations of a mock trial.

At the beginning of the year, Theresa selects cases that are close to student experience, such as one involving two teenagers at a video arcade. Here is how Theresa describes her experience in using mock trials in her eighth-grade classroom:

"Your honor, my name is Erica Lane, the Prosecutor representing the People of Oregon in this action. Martin Mann is currently a 3.11 G.P.A. student at Westdale High School. He plays football and is also in the spring track team. He gets along with everybody and has no police or school record.

"We will prove Martin Mann was brutally attacked with a 2 X 4 by Brad Stevens for no apparent reason. We will be calling four witnesses to the stand and ask for their testimony.

"Martin Mann will tell us that Brad Stevens attacked him with a 2 X 4 for no reason. Connie Cook will also testify what she witnessed on the night of June 4th. We'll also call Richard Cervantes, the video arcade manager, who was there that night and witnessed the assault. Finally,

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we'll call Dr. Chen who was the emergency room doctor on June 4th. He will testify that Martin's condition that night was nearly fatal.

"After hearing this evidence, we're sure you will reach the decision that Brad Stevens was out of control and brutally attacked Martin Mann for no reason. We ask that you find Brad Stevens guilty of assault and award Martin Mann $20,000 for his medical costs and lost wages. Thank you."

This prepared opening statement, written and presented by some of my eighth-grade students for the People v. Brad Stevens mock trial, is evidence that students are learning more about the court system than they would by reading about our court system in a book. In my classroom, students go through every major step of a criminal or civil trial. They complete active research, cooperative learning, and critical thinking.

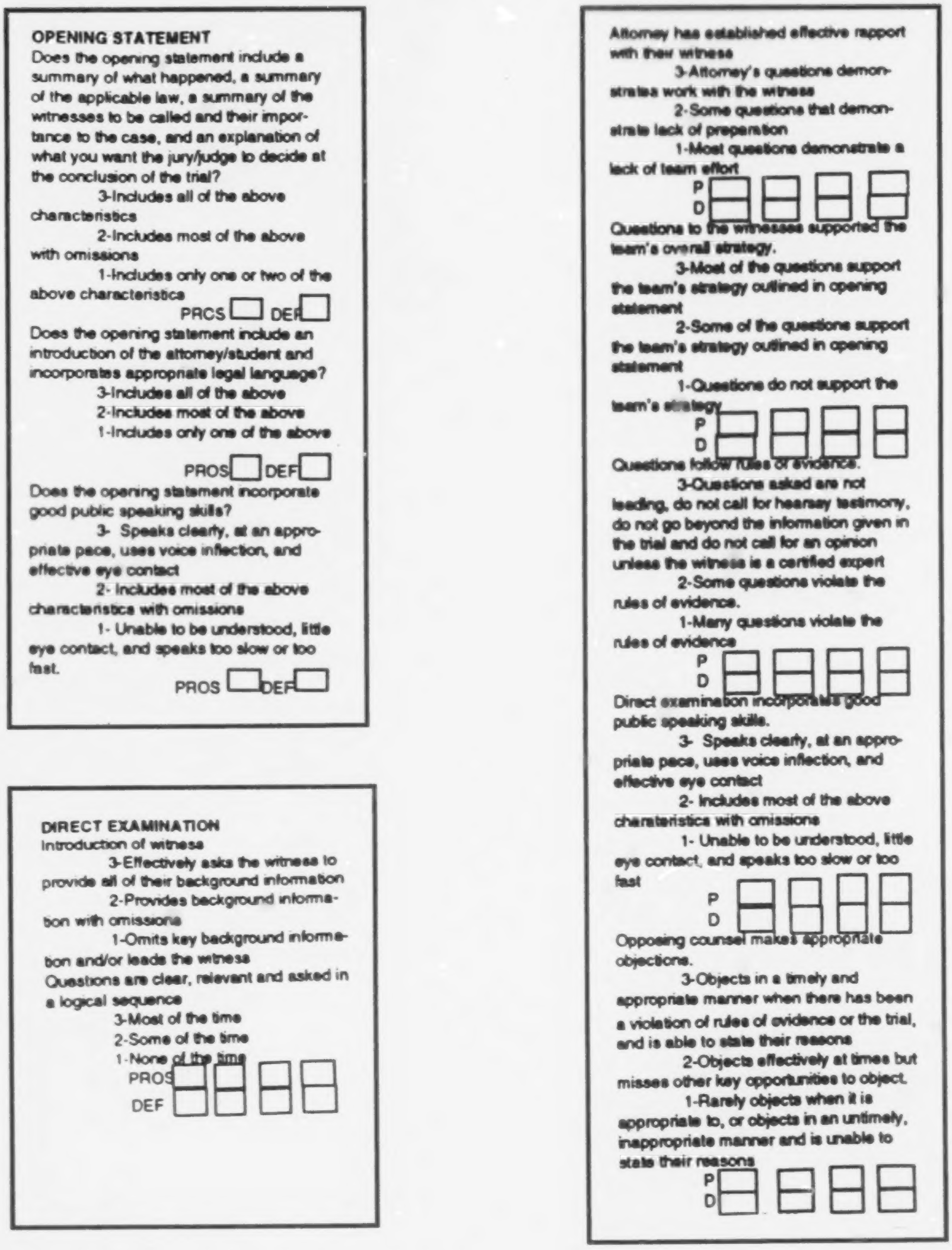
. . . students are learning more about the court system than they would by reading . . . a book.

Mock trials require students to use the language arts of reading, writing, speaking, and listening while they are learning social studies content. Students critically read the facts of the case as well as sworn witness statements to determine the points of their case. Students are involved in writing questions to bring out the main points of their case or questions to cast doubt during cross-examination of the opposing side. The witnesses and attorneys practice good speaking skills in the course of performing the trial. And all students sharpen listening skills as they play the roles of juror and attorney. Team members must listen to all testimony in order to effectively portray their case and find holes in the opposing side's case.

I spend a day or two setting up the trial by reviewing each "job" that is available and work that will be required of each. We also review and chart the order of events on newsprint for posting throughout the unit.

As a large group, we review the facts of the case we will be using. After extrapolating the facts for each side, we consider the theory of the case that each side may use. At this point, the students write down the three choices of roles they would like to play with reasons for their choices. On the following day, I hand out role assignments and introduce the criteria by which I will be evaluating performance in each part of the trial. Criteria have been outlined in a scoring rubric (see Figure 6.2).

In working with small groups who are preparing for their roles, I coach them for their performance. For example, I give the lawyers the following advice in writing questions for witnesses: (1) no question should ever ask for more than one fact at a time; (2) some facts may take several questions to bring out the necessary information; (3) begin by outlining the points of the case from the sworn statements and then evaluate each fact as to its relevance for the case—Will this fact help or hinder your case? Both defense and prosecution teams spend a great deal of time discussing which facts to emphasize and how to effectively get points across to the jury. Cross-examination questions are devel-



OPENING STATEMENT

Does the opening statement include a summary of what happened, a summary of the applicable law, a summary of the witnesses to be called and their importance to the case, and an explanation of what you want the jury/judge to decide at the conclusion of the trial?

3-Includes all of the above characteristics

2-Includes most of the above with omissions

1-Includes only one or two of the above characteristics

PRCS ☐ DEF ☐

Does the opening statement include an introduction of the attorney/student and incorporates appropriate legal language?

3-Includes all of the above

2-Includes most of the above

1-Includes only one of the above

PROS ☐ DEF ☐

Does the opening statement incorporate good public speaking skills?

3- Speaks clearly, at an appropriate pace, uses voice inflection, and effective eye contact

2- Includes most of the above characteristics with omissions

1- Unable to be understood, little eye contact, and speaks too slow or too fast.

PROS ☐ DEF ☐

DIRECT EXAMINATION

Introduction of witness

3-Effectively asks the witness to provide all of their background information

2-Provides background information with omissions

1-Omits key background information and/or leads the witness

Questions are clear, relevant and asked in a logical sequence

3-Most of the time

2-Some of the time

1-None of the time

PROS ☐ ☐ ☐ ☐
DEF ☐ ☐ ☐ ☐

Attorney has established effective rapport with their witness

3-Attorney's questions demonstrates work with the witness

2-Some questions that demonstrate lack of preparation

1-Most questions demonstrate a lack of team effort

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Questions to the witnesses supported the team's overall strategy.

3-Most of the questions support the team's strategy outlined in opening statement

2-Some of the questions support the team's strategy outlined in opening statement

1-Questions do not support the team's strategy

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Questions follow rules of evidence.

3-Questions asked are not leading, do not call for hearsay testimony, do not go beyond the information given in the trial and do not call for an opinion unless the witness is a certified expert

2-Some questions violate the rules of evidence.

1-Many questions violate the rules of evidence

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Direct examination incorporates good public speaking skills.

3- Speaks clearly, at an appropriate pace, uses voice inflection, and effective eye contact

2- Includes most of the above charateristics with omissions

1- Unable to be understood, little eye contact, and speaks too slow or too fast

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Opposing counsel makes appropriate objections.

3-Objects in a timely and appropriate manner when there has been a violation of rules of evidence or the trial, and is able to state their reasons

2-Objects effectively at times but misses other key opportunities to object.

1-Rarely objects when it is appropriate to, or objects in an untimely, inappropriate manner and is unable to state their reasons

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Figure 6.2. Theresa Murray's mock trial rubric.

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CROSS EXAMINATION

Effective use of questions

3-The attorney asks questions related to direct examination, contains or suggests the answers, and are short and simple and do not badger the witness.

2-Some questions asked are effective

1-Questions require narrative responses and would be more appropriate as direct examination.

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Questions reflect the overall team strategy.

3-Questions attack the credibility of the witness, requires agreement, and supports the team stategy outlined in opening statement.

2-Some questions meet the qualifications above.

1-Does not attack credibility, allows the witness to explain themselves, and does not relate to the team strategy.

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Cross examination incorporates good public speaking skills.

3- Speaks clearly, at an appropriate pace, uses voice inflection, and effective eye contact

2- Includes most of the above charateristics with omissions

1- Unable to be understood, little eye contact, and speaks too slow or too fast

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Opposing counsel makes appropriate objections.

3-Objects in a timely and appropriate manner when there has been a violation of rules of evidence or the trial, and is able to state their reasons

2-Objects effectively at times but misses other key opportunities to object.

1-Rarely objects when it is appropriate to, or objects in an untimely, inappropriate manner and is unable to state their reasons

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

WITNESS

Effective presentation in direct examination.

3-Convincingly tells the story and is responsive to questions asked without being narrative

2-Knows the story but sounds rehearsed and not original

1-Unclear on the facts, unconvincing, and not responsive

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Witness testimony incorporates good public speaking skills.

3- Speaks clearly, at an appropriate pace, uses voice inflection, effective eye contact, and uses appropriate gestures and facial expressions

2- Includes most of the above charateristics with omissions

1- Unable to be understood, little eye contact, and speaks too slow or too fast with few gestures or facial expressions

D ☐ ☐ ☐ ☐

Effective presentation in cross examination.

3-Remains calm, unshaken, and consistent in their story.

2-Has some difficulty handling questions in character.

1-Gets confused and is unable to stay in character.

P ☐ ☐ ☐ ☐
D ☐ ☐ ☐ ☐

Figure 6.2. cont'd.

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CLOSING ARGUEMENT

Does the closing arguement highlight the key facts brought out through witness testimony during the trial?

3- Makes reference to key testimony from both sides

2-Makes reference to some key facts but omits others.

1- Misses opportunity to highlight key testimony

P ☐ D ☐

Does the closing arguement integrate key testimony with the applicable law, and articulates what you want and support why you want the jury/judge to decide in your favor?

3-Demonstrates a clear and accurate relationship between the key testimony and the applicable law and convincingly state your team's position

2-Attempts to integrate key testimony with the law and is barely convincing

1-Fails to integrate facts with the law and does not convincingly state a position

P ☐ D ☐

Does the closing arguement show the weaknesses in the opposing side's testimony and arguements?

3-Accurately identifies weaknesses in the opposition's case

2-Notes some weaknesses but misses other key weaknesses.

1-Inaccurately or fails to identify weaknesses in the opposition's case.

P ☐ D ☐

Closing arguement incorporates good public speaking skills.

3- Speaks clearly, at an appropriate pace, uses voice inflection, effective eye contact, appropriate gestures and is able to hold the attention of the judge/jury

2- Includes most of the above charateristics with omissions

1- Unable to be understood, little eye contact, and speaks too slow or too fast with few gestures P ☐ D ☐

Figure 6.2. cont'd.

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oped in a similar fashion. I direct the student attorney with this assignment to (1) outline the facts and look for holes in the opposite side's witnesses—What can you bring out or emphasize that will cast doubt in the jury/judge's mind—and (2) write questions that require a yes or no answer so that witnesses cannot elaborate.

I provide two or three days of class time to prepare. I usually invite local attorneys into the classroom to look over the questions developed by the teams. The interaction between students and attorneys increases student pride and raises the level of work. Attorneys are very good at helping students with their presentation skills. Visits to the courthouse also enhance students' understanding of the context for judicial processes and helps to establish expectations for proper courtroom decorum for classroom-based simulations.

Following a day of dress rehearsal, the actual trial is presented, allowing two class periods per trial. While observing both the dress rehearsal and the actual trial, I use the scoring rubric to provide students with feedback regarding the quality of their performance.

I recommend videotaping the trial proceedings as part of the assessment process. Not only do students enjoy watching their performance, the videotape provides me an opportunity to provide feedback to individuals and the class on various aspects of the performance. I stop the videotape periodically and also provide each student with my ratings so they can watch it later and compare their assessment of performance with mine.

The debriefing of the trial is vital to the learning experience. I allow time for all students to express opinions regarding the process of the trial, their feelings about the experience, and what might be done differently in a future trial. The information that students provide in this activity is often closely related to the criteria for performance of roles. I try to raise the discussion to another level—to get students to focus on the value of the adversarial process in a democracy. The questions I ask include such things as:

- *If you win the verdict, are you therefore right?*
- *Do you agree with the verdict? Explain your answer.*
- *Hypothetical questions such as:*

  What if one of the attorneys had worked for the election of the judge?

  What if the judge had ruled differently on evidence?

  What if the jury had disregarded the judge's instructions?
- *Was the judge fair? Did he favor one side or the other? Cite evidence. Did he influence the outcome of the trial? Cite examples.*
- *At what point (what evidence, argument, witness, etc.) caused you to make a decision on the outcome of the case?*

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- *Was a trial (by jury) the best way to resolve this conflict? What were the alternatives? Bench v. Jury.*
- *Can you identify any bias in the process?*
- *How did the process of a trial help or hinder achieving justice?*

Through the assessment writing conference, I worked on criteria for evaluating student learning based on their contributions to the discussion (see Figure 6.3). In addition to the discussion, I assign each individual an opportunity to write an essay using similar open-ended questions (see Figure 6.4).

Theresa has also used historically-based trials such as the case of the Scottsboro Nine from *Great Trials in American History*. Her students, fascinated with the facts of this Jim Crow case, initiated a project in which they enacted the trial to better understand the issues.

Teachers who have reviewed the scoring rubric in Figure 6.2 have mixed reactions to its appropriateness for their classrooms. Two high school teachers who piloted the mock trial assessment that Theresa developed with Greg Clevenger made significant adaptations from the initial development.

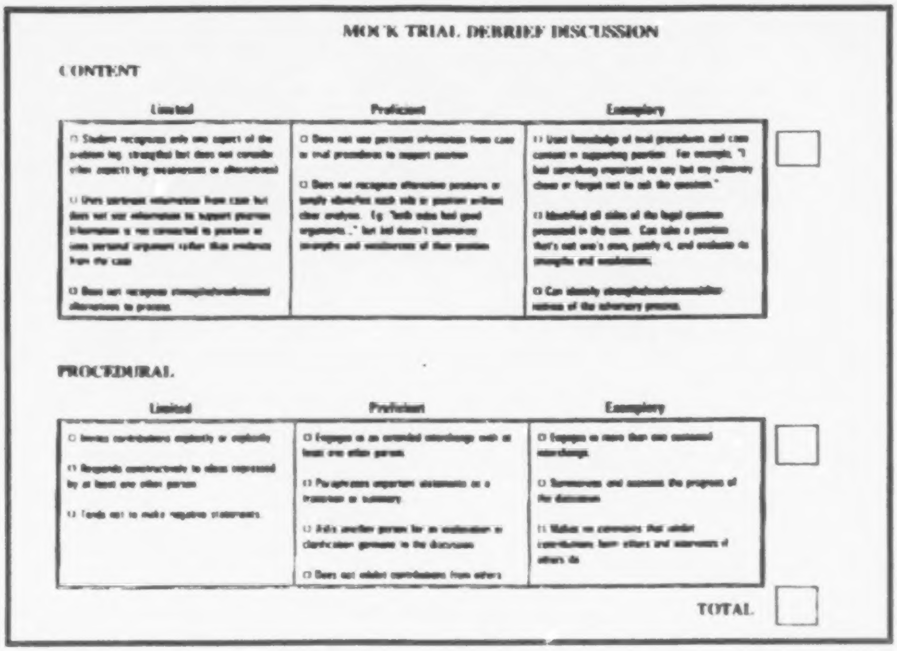
Nancy Deese, teacher and department chair at Naperville (IL) North High School, used the scoring rubric developed by Theresa and Greg with the reenactment of an 1894 trial, *Illinois v. Eugene V. Debs*. Nancy has used a mock trial for several years to evaluate students' understanding of power struggles between big business, labor, and government as illustrated in the Pullman strike. To set up the mock trial as an assessment task, she reviewed the format for a trial, provided biographies of the prosecution and defense witnesses at the trial, and highlighted background information from the textbook.

Nancy used the mock trial as an assessment task in which students were expected to establish positions representing actual characters and their perspectives. Students used factual knowledge about big business, labor, and governmental policies in the late 19th century to demonstrate broad understanding of business labor relations in the Gilded Age, as well as an understanding of the trial process as a means for resolving disputes.

In reflecting on the effectiveness of the assessment, Nancy observed:

I have always felt that this activity was effective and I have used it over the years with all levels of American History students—from advanced placement level to my basics. I have found that while the vocabulary and the depth of critical thinking may vary from level to level, each has come away from the activity with a greater depth of understanding of not only the interactions among labor, business, and government, but also of the trial process. Inevitably, at the end of the semester when I have students evaluate the course, this activity rates highly both

I found the process of providing scoring criteria in advance to be much more substantive and accurate and I thought that the students also felt that they received more in the way of feedback to justify their grades at the end. The scoring itself was not difficult—the challenge is getting the task underway rather than in evaluating the final product.



MOCK TRIAL DEBRIEF DISCUSSION

CONTENT

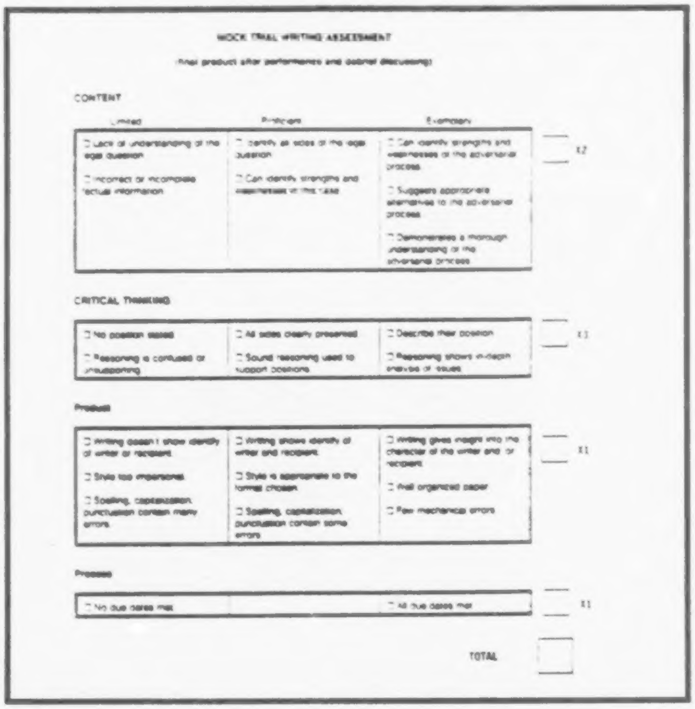
Limited	Proficient	Exemplary	
☐ Student recognizes only one aspect of the problem (e.g. strengths) but does not consider other aspects (e.g. weaknesses or alternatives) ☐ Uses pertinent information from case but does not use information to support position. Information is not connected to position or uses personal argument rather than evidence from the case ☐ Does not recognize strengths/weaknesses/alternatives to process.	☐ Does not use pertinent information from case or trial procedures to support position ☐ Does not recognize alternative positions or simply identifies each side or position without clear analysis. E.g. "both sides had good arguments..." but kid doesn't summarize strengths and weaknesses of their position.	☐ Used knowledge of trial procedures and case content in supporting position. For example, "I had something important to say but my attorney closed or forgot not to ask the question." ☐ Identified all sides of the legal question presented in the case. Can take a position that's not one's own, justify it, and evaluate its strengths and weaknesses. ☐ Can identify strengths/weaknesses/alternatives of the adversary process.	☐

PROCEDURAL

Limited	Proficient	Exemplary	
☐ Invites contributions implicitly or explicitly ☐ Responds constructively to ideas expressed by at least one other person ☐ Tends not to make negative statements.	☐ Engages in an extended interchange with at least one other person. ☐ Paraphrases important statements as a transition or summary ☐ Asks another person for an explanation or clarification germane to the discussion ☐ Does not inhibit contributions from others	☐ Engages in more than one sustained interchange. ☐ Summarizes and assesses the progress of the discussion. ☐ Makes no comments that inhibit contributions from others and intervenes if others do.	☐

TOTAL ☐

Figure 6.3. Criteria for discussion following a mock trial.



MOCK TRIAL WRITING ASSESSMENT

(final product after performance and debrief discussion)

CONTENT

Limited	Proficient	Exemplary	
☐ Lack of understanding of the legal question ☐ Incorrect or incomplete factual information	☐ Identify all sides of the legal question ☐ Can identify strengths and weaknesses in this case	☐ Can identify strengths and weaknesses of the adversarial process ☐ Suggests appropriate alternatives to the adversarial process ☐ Demonstrates a thorough understanding of the adversarial process	☐ x2

CRITICAL THINKING

☐ No position stated ☐ Reasoning is confused or unsupporting	☐ All sides clearly presented ☐ Sound reasoning used to support positions	☐ Describe their position ☐ Reasoning shows in-depth analysis of issues	☐ x1

Product

☐ Writing doesn't show identity of writer or recipient. ☐ Style too impersonal. ☐ Spelling, capitalization, punctuation contain many errors.	☐ Writing shows identity of writer and recipient. ☐ Style is appropriate to the format chosen. ☐ Spelling, capitalization, punctuation contain some errors.	☐ Writing gives insight into the character of the writer and/or recipient. ☐ Well organized paper. ☐ Few mechanical errors.	☐ x1

Process

☐ No due dates met		☐ All due dates met	☐ x1

TOTAL ☐

Figure 6.4 Rubric for post-mock trial writing assignment.

in terms of what has been learned and how much involvement they had in it. This year was the first in which I had this assessment tool to use to evaluate their understandings and levels of achievement. In the past I graded them on participation and through a writing exercise at the end. I found the process of providing scoring criteria in advance to be much more substantive and accurate and I thought that the students also felt that they received more in the way of feedback to justify their grades at the end. The scoring itself was not difficult—the challenge is getting the task underway rather than in evaluating the final product.

Rick Nagel, a law teacher at Franklin High School in Seattle, Washington, volunteered to test the scoring rubric that Theresa developed for her middle school classes. Following a quick review of the criteria, Rick realized that the knowledge and format that he used for mock trials in the context of a high school program was very different from an interdisciplinary middle school approach, in which a mock trial was a smaller piece of the curriculum. In Rick's Law and Society class, mock trials are used extensively. Because each student participates in three mock trials during the semester, all students experience the role of attorney, witness, and juror. Rick designed a rubric that can be easily dissembled so that each attorney and witness receives sheets evaluating individual performance. Rick reports that students were very receptive to his efforts to familiarize them with the criteria through the use of a videotape of a Franklin team that had competed successfully in the state mock trial competition.

There was extraordinarily enthusiastic participation from students of all ability levels, and they appreciated my efforts to familiarize them with the rubric and assessment sheet beforehand. The grade-conscious students were particularly appreciative of the assessment *aspect of the activity; everyone appreciated its* authenticity.

Working non-stop over a long weekend, Rick developed a scoring rubric that was specific to the roles and format that he uses with mock trials. The scoring criteria he developed have been refined over a two-year period using feedback from colleagues: "I have responded to the very valid criticism that my rubric and individual student assessment sheets were not in harmony." Rick's scoring rubric (Figure 6.5) addresses some of the technical aspects of trial procedure that were not relevant to the middle school students. In addition to designing criteria for each part of the lawyer work, he also developed a "team strategy" criterion that was later refined by Jackie Johnson (Figure 6.6).

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MOCK TRIAL ASSESSMENT RUBRIC

ATTORNEY

OPENING STATEMENT

EXEMPLARY (4)

Clearly presents a credible case theory and forthcoming witness testimony in a well-organized, entertaining, memorable fashion without arguing the case; poised, confident and articulate delivery without reliance on notes is extraordinarily persuasive; good eye contact w/jurors maintains their interest, appropriate attire

PROFICIENT (3)

Clearly presents a plausible case theory and forthcoming witness testimony in a coherent,well-organized manner, but reliance on notes detracts somewhat from the persuasiveness of the presentation, appropriate attire

ADEQUATE (1-2)

Has prepared an opening statement that provides a preview of the forthcoming testimony; extensive reliance on notes detracts so significantly from persuasiveness of the presentation that the jurors' attention is noticeably lost

ATTORNEY

QUESTIONING OF WITNESSES

EXEMPLARY (4)

Questions, as a whole, clearly show a relationship to the attorney's case theory and are non-leading; questions develop testimony fully and consistent with a credible theory of the case; gets to the point and stops; uses leading questions in cross examination consistently and effectively to cast doubt on opponent's case theory and to strengthen one's own; questioning is poised, articulate and confident purposeful and shows considerable pre-trial preparation; objections and responses to opponent's objections demonstrate a clear grasp of the basic Simplified Rules of Evidence.

PROFICIENT (3)

Questions develop testimony in a manner consistent with a credible case theory using non-leading questions; few irrelevant questions; uses leading questions effectively in cross examination to cast doubt on opposing witness's testimony and to strengthen own case theory; questioning is articulate and purposeful; objections and responses to opponent's objections shows some familiarity with the basic Simplified Rules of Evidence

ADEQUATE (1-2)

Non-leading questions used to advance case theory; leading questions used in cross examination to cast doubt on opposing witness's testimony and to strengthen own theory; demonstrates little or no understanding of the basic Simplified Rules of Evidence.

Figure 6.5. Mock trial rubric designed for high school law students.

ATTORNEY

CLOSING ARGUMENT

EXEMPLARY (4)

A persuasive argument that clearly and persuasively relates the testimony and evidence to the theory of the case and to the law as given by the judge, anticipates and persuasively refutes opponent's theory of the case or -if the prosecutor or the counsel for the plaintiff - persuasively rebuts the defense argument; confident, poised, articulate delivery that makes minimum use of notes

PROFICIENT (3)

Clearly relates the testimony and evidence to both the the attorney's theory and the applicable law, shows some but is less persuasive than the ***exemplary*** closing argument because (1) there is excessive reliance on notes; or (2) the defense closing (or the rebuttal of the prosecutor or plaintiff) is only partially responsive to the argument that preceded it

ADEQUATE (1-2)

Relates the testimony and evidence to a plausible theory and to the law of the case, but there are significant omissions; most of the argument is read, little evidence of "thinking on one's feet"- i.e., anticipating and rebutting the opponent's argument

WITNESS

EXEMPLARY

Portrayal of role is so thoroughly credible and infused with personality that it seems as if the witness is testifying to actual events; answers to questions are responsive and correspond to that witness's affidavit; poised, articulate, confident delivery; maintains credibility and demeanor in cross examination;

PROFICIENT (3)

Portrayal of role is credible and effective, answers to questions are responsive and correspond to witness's affidavit, poised, articulate, confident delivery; generally credible during cross examination, but may be impeached effectively once or twice as a result of failure to anticipate a question or line of inquiry

ADEQUATE (1-2)

Portrayal of role is credible; answers to questions usually correspond to witness's affidavit, though it is clear that the witness is not in complete command of the information in the affidavit; some effective responses to impeachment attempts on cross examination,

Figure 6.5. Mock trial rubric designed for high school law students.

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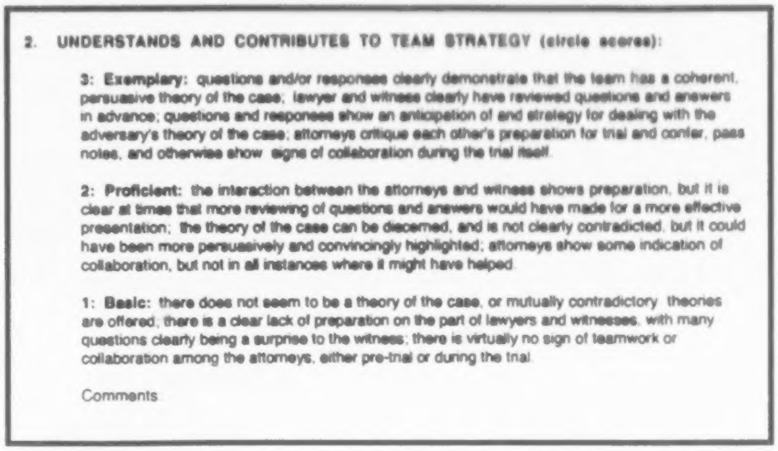

2. **UNDERSTANDS AND CONTRIBUTES TO TEAM STRATEGY (circle scores):**

3: Exemplary: questions and/or responses clearly demonstrate that the team has a coherent, persuasive theory of the case; lawyer and witness clearly have reviewed questions and answers in advance; questions and responses show an anticipation of and strategy for dealing with the adversary's theory of the case; attorneys critique each other's preparation for trial and confer, pass notes, and otherwise show signs of collaboration during the trial itself.

2: Proficient: the interaction between the attorneys and witness shows preparation, but it is clear at times that more reviewing of questions and answers would have made for a more effective presentation; the theory of the case can be discerned, and is not clearly contradicted, but it could have been more persuasively and convincingly highlighted; attorneys show some indication of collaboration, but not in all instances where it might have helped.

1: Basic: there does not seem to be a theory of the case, or mutually contradictory theories are offered; there is a clear lack of preparation on the part of lawyers and witnesses, with many questions clearly being a surprise to the witness; there is virtually no sign of teamwork or collaboration among the attorneys, either pre-trial or during the trial.

Comments:

Figure 6.6. Rubric for team strategy criterion.

Assessing Jury Performance

Some teachers recognized a disjuncture between their stated goals (citizen analysis of the adversarial system) and what they were assessing (speaking and listening skills). For some of these teachers, enhancing the role of the jury helped them to accomplish the goal of keeping a focus on the justice system.

To emphasize the important role of citizen, one teacher in the project had all students who had participated in the trial observe jury deliberation in a "fish bowl" format. She used a checklist as the rubric for jurors (Figure 6.7). Jurors used the checklist as a self-assessment and the teacher provided feedback as well.

High school teachers from Oregon chose to focus on the role of the juror as the role that we want most citizens to fill. They used separate scoring criteria for the trial and for deliberation (Figure 6.8).

Challenges and Issues

As compelling as teachers' testimony about the impact of participating in mock trials may be, issues clearly remain to be resolved. Teachers are still working toward ways in which to determine what all students are learning as a result of mock trials. Instruction and assessment must be aligned with content standards and learning outcomes so that the mock trial is a means of achieving those ends, rather than an end in itself.

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MOCK TRIAL PERFORMANCE ASSESSMENT

JURY MEMBERS CRITERIA FOR BEING A FAIR AND IMPARTIAL JUROR

VOIR DIRE
_____Gives full and honest answers to judge and lawyer questions.
_____If cannot be fair, says so.
_____Takes questions to the bailiff.

Comments:

KNOWLEDGE OF THE CASE
_____Attentive during trial.
_____Remembers facts presented in courtroom.
_____Considers all testimony, exhibits, and evidence.

Comments:

APPLICATION OF THE LAW
_____Follows the judge's directions.
_____Maintains a fair and impartial attitude.
_____Judges evidence within the guidelines.

Comments:

DISCUSSION/DELIBERATION SKILLS

_____Avoids discussing the case, except in the jury room.
_____Practices good listening skills.
_____Asks questions to clarify reasoning of other jurors.
_____States ideas directly and honestly.
_____Votes at appropriate points.
_____Gives eye contact when speaking to others.

Comments:

Figure 6.7. Juror checklist.

TRIAL PHASE GRADING SHEET FOR JURORS

JUROR ______________________________

4 EXEMPLARY — 3 PROFICIENT — 2 — 1 UNSATISFACTORY

A. The student is focused on the key facts that are being presented and determining the credibility of each witness.

4. an accurate list of witnesses and notes on the key elements of their testimony.
3. an accurate list of witnesses and some elements of the testimony.
2. a partial list of witnesses and a partial list of their testimony.
1. few notes that are not organized or relevant.

B. The student is present and attentive during the trial and follows courtroom procedures.

4. attentive and present at all sessions of the trial with needed materials; caused no interruptions.
3. attentive and present at most of the trial with needed materials and no interruptions.
2. somewhat attentive or present at some of the trial or caused minor disruptions.
1. not very attentive, didn't bring notes, caused distraction or was absent during most of the testimony.

C. The student understands the evidence or exhibits presented by each side during the case.

4. evidentiary section of notes is organized with brief description of any evidence or exhibit and which testimony it supports.
3. most of the evidence and its application is listed in notes.
2. some evidence is listed, notes are somewhat confusing, not sure of evidence application.
1. few evidentiary notes, evidence not associated with testimony.

JURY DELIBERATION RUBRIC

JUROR ______________________________

4 EXEMPLARY — 3 PROFICIENT — 2 — 1 UNSATISFACTORY

A. The juror understood the applicable law(s) of this case.

4 — gives a clear explanation of which law(s) apply to this case
— provides precise penalties that the defendant might face
— responses indicate an exact understanding of judge's instructions as they apply to the law

3 — shows an understanding of which law(s) apply to this case
— is able to present most of the penalties related to the applicable law
— responses indicate a fairly clear understanding of the judge's instructions as they apply to the law

2 — shows some understanding of which law(s) apply to this case
— is able to present some of the penalties related to the applicable law
— responses indicate an adequate understanding of the judge's instructions as they apply to the law

1 — shows very little understanding of which law(s) apply to this case
— is able to present few penalties related to the applicable law
— responses indicate little understanding of the judge's instructions as they apply to the law

B. The juror offered an opinion concerning the case and supported that opinion with facts.

4 — clear opinion is supported by reference to specific testimony, facts, and exhibits

3 — opinion clearly defined and supported by some detailed facts

2 — opinion not clearly defined showing adequate knowledge of facts

1 — opinion easily influenced with little knowledge of the facts

C. The juror used the appropriate negotiation skills of persuasion or compromise.

4 — provides reasoned arguments to support position in order to induce other jurors
— makes concessions only after thoughtful consideration by questioning arguments from opposing viewpoint
— speaks clearly and with excellent inflection
— maintains excellent eye contact with other jurors

3 — provides good arguments to support position in order to induce other jurors
— makes concessions after consideration and questioning of arguments from opposing viewpoint
— can be understood and speaks with good inflection
— maintains good eye contact with other jurors

— provides some argument to support position in order to induce other jurors
— makes concession after some consideration of arguments from opposing viewpoint
— responses not clearly articulated and has some inflection
— maintains minimal eye contact with other jurors

1 — provides little argument to support position in order to induce other jurors
— makes concession quickly with little consideration of arguments from opposing viewpoint
— is asked to repeat because of not being able to be heard and speaks with monotone
— maintains little or no eye contact with other jurors

D. The juror understood and abided by judge's instructions for deliberation

4 — clearly understands who has the burden of proof
— clearly understands what the burden of proof is based on
— clearly understands procedures as instructed for reaching a verdict
— carefully weighs the evidence as instructed

3 — has a fairly clear understanding of the judge's instructions for reaching a verdict
— weighs the evidence as instructed

2 — has some understanding of the judge's instructions for reaching a verdict
— gives some weight of the evidence as instructed

1 — has little understanding of the judge's instructions for reaching a verdict
— gives little weight of the evidence as instructed

E. The juror listens attentively and responds to opinions of the other jurors.

4 — clearly attentive to statements of other jurors
— asks questions to clarify remarks of other jurors
— adds reinforcement to remarks of other jurors

3 — is attentive to statements of other jurors
— asks few questions to clarify remarks of other jurors
— adds some reinforcement to remarks of other jurors

2 — seems somewhat attentive to statements of other jurors
— asks questions that are directed to the position rather than for clarification of remarks of other jurors
— adds little reinforcement to remarks of other jurors

1 — shows little attention and is often preoccupied with something else
— questions asked may not be relevant
— simply agrees with remarks of other jurors

Figure 6.8. Scoring criteria for jurors.

Reflection/Exercise

Return to the first exercise in this chapter. Has anything you have read changed your views on Positions A and B? How would you assess student learning as a result of participating in a mock trial?

Moot Court

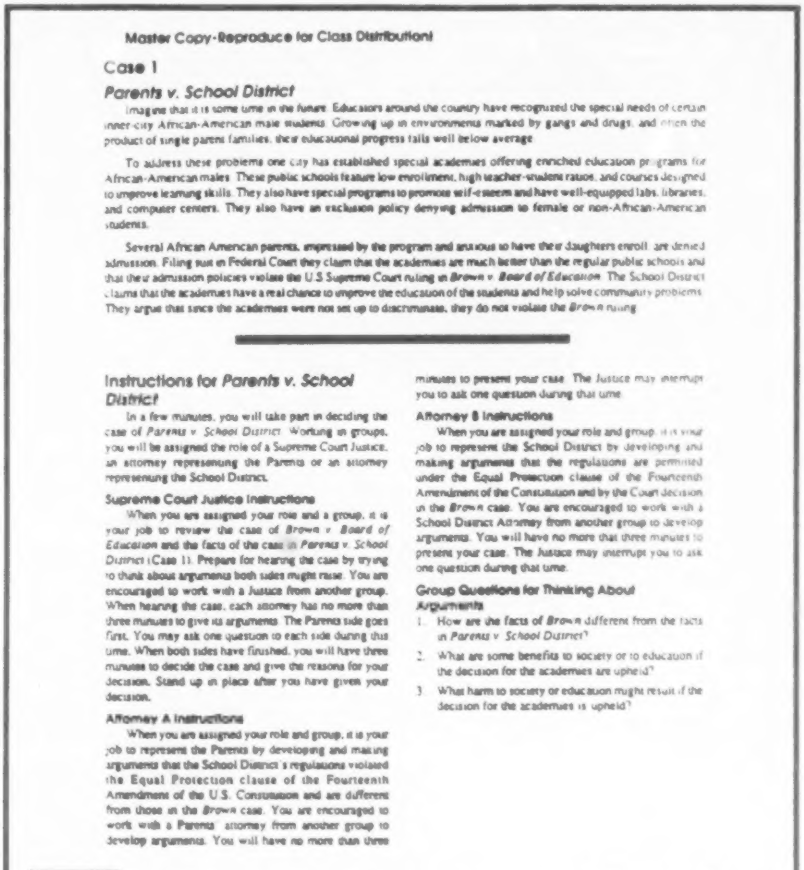
Moot courts are simulations of a court of appeals or Supreme Court hearing. The court, composed of a panel of justices, agrees to hear a case in which a lower court's decision is disputed. Appellate hearings occur when the constitutionality of a law is challenged, or when the losing party in a trial court makes a case that error of law was made in a lower court. The focus of appellate courts is on the application of the law—statutes and cases that serve as precedent. Rather than deciding guilt or innocence, appellate courts affirm or reverse lower court arguments.

A fact of contemporary life and a reflection of the history of the United States is that most of our most pressing public issues are subjected to judicial review and debate in state and U.S. Supreme Courts. It is through these judicial debates that some questions are resolved and even more are raised. The arguments presented to the Supreme Court in cases such as *Roe v. Wade* and *Brown v. Board of Education* remain relevant to our lives because, as a society, we are still grappling with similar constitutional issues and with the need to define rules that will help us live together with our differences.

Purposes of Moot Court Activities

Moot courts are an effective strategy for helping students see the relationship between law and social change. Questions of public policy can be explored from multiple perspectives within the context of the rule of law and underlying principles and concepts of justice. Because there are no witnesses or testimony related to the facts, students can focus directly on substantive arguments rather than court procedure. In fact, many of the instructional and assessment issues inherent within the mock trial are addressed through moot court simulations—all students fill roles of lawyers and judges, thereby experiencing substantive analysis; the focus is on indepth analysis of judicial interpretation of public policy from a constitutional perspective; and less class time is needed, particularly for a modified moot court such as that in Figure 6.9.

Moot courts can be developed to explore a wide range of issues through actual or hypothetical situations. A new course—*The Supreme Court (1954-1994)*—at Naperville North High School in suburban Chicago, Illinois, illustrates how this can happen. The course begins by providing students of all ability levels with basic training in legal research and legal reasoning. Time is spent in the law library learning how to find and cross reference cases. With assistance from a lawyer serving as resource person, students research "assault." In the process, students develop a historical perspective on the law as well as research skills. One class found North Carolina cases from the 1850s and 1860s in which charges against a teacher for slapping a student were dismissed because the act was deemed similar to a husband beating a wife—a practice that was considered socially acceptable and within the law in the 19th century. Through discussion and analysis of current laws and definitions of assault, students begin to realize that law changes with



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Case 1

Parents v. School District

Imagine that it is some time in the future. Educators around the country have recognized the special needs of certain inner-city African-American male students. Growing up in environments marked by gangs and drugs, and often the product of single parent families, their educational progress falls well below average.

To address these problems one city has established special academies offering enriched education programs for African-American males. These public schools feature low enrollment, high teacher-student ratios, and courses designed to improve learning skills. They also have special programs to promote self-esteem and have well-equipped labs, libraries, and computer centers. They also have an exclusion policy denying admission to female or non-African-American students.

Several African American parents, impressed by the program and anxious to have their daughters enroll, are denied admission. Filing suit in Federal Court they claim that the academies are much better than the regular public schools and that their admission policies violate the U.S Supreme Court ruling in *Brown v. Board of Education*. The School District claims that the academies have a real chance to improve the education of the students and help solve community problems. They argue that since the academies were not set up to discriminate, they do not violate the *Brown* ruling.

Instructions for *Parents v. School District*

In a few minutes, you will take part in deciding the case of *Parents v. School District*. Working in groups, you will be assigned the role of a Supreme Court Justice, an attorney representing the Parents or an attorney representing the School District.

Supreme Court Justice Instructions

When you are assigned your role and a group, it is your job to review the case of *Brown v. Board of Education* and the facts of the case in *Parents v. School District* (Case 1). Prepare for hearing the case by trying to think about arguments both sides might raise. You are encouraged to work with a Justice from another group. When hearing the case, each attorney has no more than three minutes to give its arguments. The Parents side goes first. You may ask one question to each side during this time. When both sides have finished, you will have three minutes to decide the case and give the reasons for your decision. Stand up in place after you have given your decision.

Attorney A Instructions

When you are assigned your role and group, it is your job to represent the Parents by developing and making arguments that the School District's regulations violated the Equal Protection clause of the Fourteenth Amendment of the U.S. Constitution and are different from those in the *Brown* case. You are encouraged to work with a Parents' attorney from another group to develop arguments. You will have no more than three minutes to present your case. The Justice may interrupt you to ask one question during that time.

Attorney B Instructions

When you are assigned your role and group, it is your job to represent the School District by developing and making arguments that the regulations are permitted under the Equal Protection clause of the Fourteenth Amendment of the Constitution and by the Court decision in the *Brown* case. You are encouraged to work with a School District Attorney from another group to develop arguments. You will have no more that three minutes to present your case. The Justice may interrupt you to ask one question during that time.

Group Questions for Thinking About Arguments

1. How are the facts of *Brown* different from the facts in *Parents v. School District*?
2. What are some benefits to society or to education if the decision for the academies are upheld?
3. What harm to society or education might result if the decision for the academies is upheld?

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Figure 6.9. Modified moot court activity.

societal norms—that precedents do not serve as hard-and-fast rules across time. Working with precedents and the process of judicial review, students begin to view law more realistically. They see that courts are often forced to choose between competing goods rather that "right" and "wrong." They also learn that, in a democratic society, laws are not static but that precedents do provide predictability. If kids understand legal cases, they will have a better understanding of the limits of public policy and why they exist.

Once students have an understanding of the use of precedents, legal principles and processes, and institutions, the students participate in six moot court simulations. In each simulation, they have an opportunity to analyze public policy issues by role-playing both lawyers and justices in a case argued before the Supreme Court. The issues and cases selected—right to die (Nancy Kruszan), silent prayer, free press v. fair trial, right to assemble (Skokie Nazi March), property forfeiture, and the death penalty (Furman v. Georgia)—provide a context for looking at controversies that involve students in the process of understanding policies through advocacy and judicial interpretation for competing positions about what the law is and what it should be.

The story of developing scoring criteria for the moot court is told through the experiences of the two teachers who developed and then refined rubrics in the context of high school law classes. Nancy Deese tested and refined assessment materials using Constitutional Rights Foundation's *The Drug Question*. The unit features an analysis of the exclusionary rule as applied to a police search of trash placed in front of a home in the case of *Greenwood v. California*. Rick Nagel used the rubric within a teacher-developed unit on Fifth Amendment protections based on Miranda and a series of cases that have been heard in appellate courts since 1967. In both Nancy's and Rick's classrooms, the moot court culminated an extended unit of study in which students demonstrated their ability to apply ideas and knowledge gained from an in-depth unit on the U.S. and/or state Supreme Court. The third teacher who contributed to the development of the materials below is Keith Chamberlain, a Colorado teacher who adapted Nancy and Rick's work for a moot court exercise on First Amendment issues using the CRF unit *Punishing Hate: A Democracy's Dilemma.*

Guidelines for Using Moot Courts

Here are some guidelines for conducting and assessing a moot court based on their experience:

1. Select a case that raises questions relevant to the concept being studied. Provide an overview of the activities that students will be expected to complete and the criteria for exemplary work. Figure 6.10 provides an overview of moot court procedures.

2. Instruct students about the substantive issues embedded in the case and appellate judicial process. In Rick's classroom, students lis-

tened to the actual oral arguments in *Miranda* and viewed PBS's *Simple Justice*, which included a re-enactment of Thurgood Marshall's oral argument in *Brown v. Board of Education*. In preparation for the Greenwood case, Nancy provided lectures and discussion of the judicial system and Fourth Amendment cases. She also invited a panel of three resource people—a police officer, attorney, and judge—to share their perspectives on search warrants. Students were also presented with hypotheticals involving perspectives on the use of search warrants calling for application of Fourth Amendment knowledge. Nancy used a clip from the feature film, *Gideon's Trumpet*, to dramatize oral arguments before the Supreme Court. Keith provided his class with a practice moot court using teachers as judges.

3. Following a review of the case that has been selected, organize students into three groups: appellate judges (usually working in panels of 3 or 9), lawyers for the petitioner (the party seeking to reverse the lower court's decision), and lawyers for the respondent (the party arguing to affirm the lower court's decision). Some teachers divide the entire class into three groups for a single case. Others structure the assignment so that there are two sets of justices and corresponding groups of

Steps in a Moot Court Hearing

1. Statement of the appellant's (or petitioner's) case by attorneys for the appellant. Oral arguments are limited to a specific amount of time. While the court can grant extra time, it usually does not. The attorneys can reserve part of their time for rebuttal. In addition, the members of the court can interrupt the attorneys at any time to ask questions. Attorneys may not argue that the facts presented in the trial court are inaccurate. They should argue how the facts support their case and why legal precedents or theories support their position.
2. Statement of the respondent's (or supporting) case by attorneys for the respondent. The procedure is the same as for the appellant's attorneys.
3. Rebuttal by the appellant's attorneys, if time was reserved. No new arguments should be introduced during the rebuttal. The time should be used to counter the respondent's arguments.
4. Rebuttal by the respondent's attorneys, if time was reserved.
5. Deliberation by the panel of judges/justices.
6. Announcement of the court's decision and the reasons supporting it.
7. Class discussion of the decision.

Figure 6.10. Overview of moot court procedures.

attorneys dealing with different cases. For modified moot courts, triads in which a judge hears the case from lawyers for each side may be effective. In this example, the groups with same positions may get together in "coaching" groups to prepare to fill their respective assignments. Nancy Deese has effectively added the role of journalist for a large class of students. Students filling this role receive briefs, prepare questions for interviews, and prepare reports on the court's decision and reactions of the parties and public to the decision. According to Nancy, "The journalists were particularly pleased with their post-trial TV programs."

4. Assign students who are filling the roles of lawyers to write and submit legal briefs to the court. These briefs provide the factual background of the case, the legal issues before the court, and a persuasive argument as to whether the decision of the lower court should be affirmed or reversed. Justices select a Chief Justice to preside over the hearing. This role involves asking each side to present its case as well as recognizing questions from other justices. The justices study the legal briefs in preparation for oral arguments, discuss the issue before the court, and prepare questions for each side.

5. Provide the following guidelines for presentations:

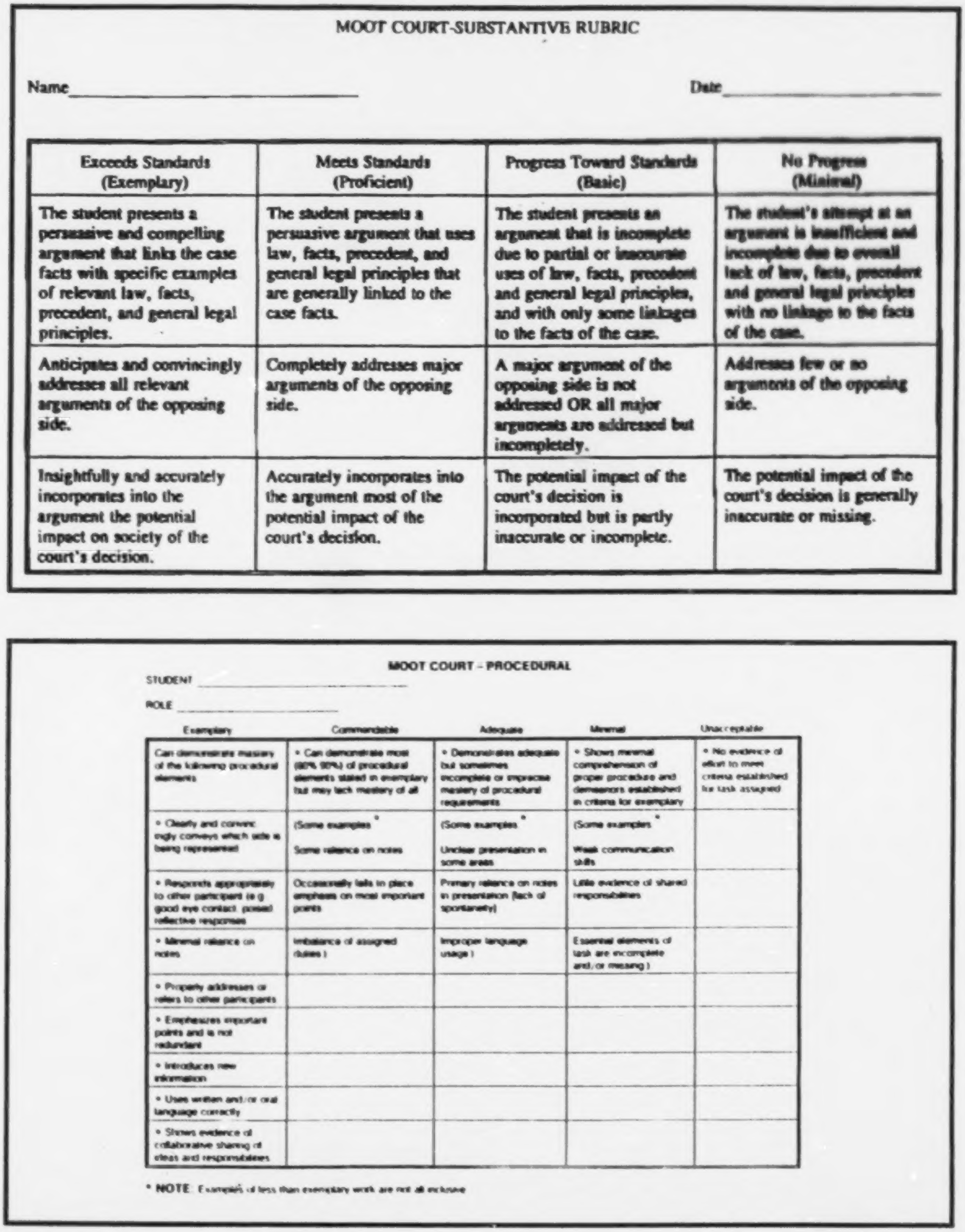
◆ All details of the factual situation from the trial court should be considered. Teams may *not* argue that any of the facts are inaccurate.

◆ **Arguments do not need to be rooted in legal technicalities**. Any argument that is persuasive from a philosophical, theoretical, conceptual, or practical standpoint can be made.

Teams should rely on principles found or implied in the U.S. Constitution. Rick Nagel provides a practice sheet in which students review hypothetical cases and discuss how Miranda and progeny cases would apply.

6. Review the criteria for evaluating performance with students. The scoring rubric developed at the writing conference (Figure 6.11) presents substantive and procedural dimensions and is the same for both lawyers and judges. Some teachers show a video of oral arguments for students to score, and others discuss the criteria for good legal writing by providing samples of legal briefs.

Teachers who have field tested the scoring rubric have found it helpful to devise a checklist or separate grading sheet for each student (Figure 6.12). With substantive and procedural criteria combined on one grading sheet, the teacher can summarize feedback on both written and oral work for each student. Lawyers are evaluated on the quality of their legal briefs and oral arguments. Justices are evaluated on the written and oral questions and on their written opinion. Nancy commented that "there is a built-in sense of fairness about the expectation. Each role is expected to participate in both written and oral forms, and each is evaluated on the same criteria."



MOOT COURT-SUBSTANTIVE RUBRIC

Name______________________________ Date______________________

Exceeds Standards (Exemplary)	Meets Standards (Proficient)	Progress Toward Standards (Basic)	No Progress (Minimal)
The student presents a persuasive and compelling argument that links the case facts with specific examples of relevant law, facts, precedent, and general legal principles.	The student presents a persuasive argument that uses law, facts, precedent, and general legal principles that are generally linked to the case facts.	The student presents an argument that is incomplete due to partial or inaccurate uses of law, facts, precedent and general legal principles, and with only some linkages to the facts of the case.	The student's attempt at an argument is insufficient and incomplete due to overall lack of law, facts, precedent and general legal principles with no linkage to the facts of the case.
Anticipates and convincingly addresses all relevant arguments of the opposing side.	Completely addresses major arguments of the opposing side.	A major argument of the opposing side is not addressed OR all major arguments are addressed but incompletely.	Addresses few or no arguments of the opposing side.
Insightfully and accurately incorporates into the argument the potential impact on society of the court's decision.	Accurately incorporates into the argument most of the potential impact of the court's decision.	The potential impact of the court's decision is incorporated but is partly inaccurate or incomplete.	The potential impact of the court's decision is generally inaccurate or missing.

MOOT COURT - PROCEDURAL

STUDENT ______________________________

ROLE ________________________

Exemplary	Commendable	Adequate	Minimal	Unacceptable
Can demonstrate mastery of the following procedural elements	• Can demonstrate most (80% 90%) of procedural elements stated in exemplary but may lack mastery of all	• Demonstrates adequate but sometimes incomplete or imprecise mastery of procedural requirements	• Shows minimal comprehension of proper procedure and demeanors established in criteria for exemplary	• No evidence of effort to meet criteria established for task assigned
• Clearly and convincingly conveys which side is being represented	(Some examples* Some reliance on notes	(Some examples* Unclear presentation in some areas	(Some examples* Weak communication skills	
• Responds appropriately to other participant (e.g. good eye contact, poised reflective responses	Occasionally fails to place emphasis on most important points	Primary reliance on notes in presentation (lack of spontaneity)	Little evidence of shared responsibilities	
• Minimal reliance on notes	Imbalance of assigned duties)	Improper language usage)	Essential elements of task are incomplete and/or missing)	
• Properly addresses or refers to other participants				
• Emphasizes important points and is not redundant				
• Introduces new information				
• Uses written and/or oral language correctly				
• Shows evidence of collaborative sharing of ideas and responsibilities				

* NOTE: Examples of less than exemplary work are not all inclusive

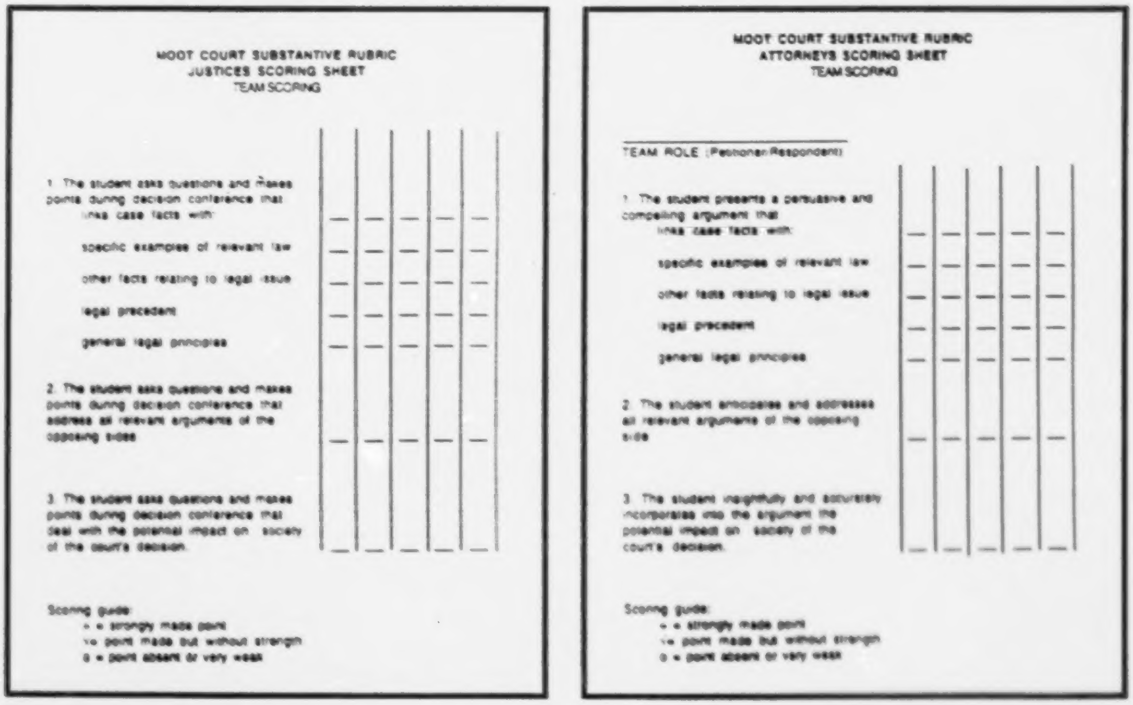
Figure 6.11. Moot court scoring rubric.

7. Arrange the room for the hearing. Justices should be seated in front. Attorneys for each side should sit on opposite sides facing the justices. If you are going to videotape the hearing, it is helpful to have microphones and two cameras—one focusing on the judges and the other on the attorneys.

8. Conduct the hearing. The time frame for the presentations vary widely. One teacher reported that the hearing was completed in 25 minutes while another allowed a double class period. Each side should have five to ten minutes for their initial arguments and five minutes for rebuttal. The chief justice asks for presentation of arguments in the following order:

- ◆ Appellant—initial presentation.
- ◆ Respondent—initial presentation.
- ◆ Appellant—rebuttal.
- ◆ Respondent—rebuttal.

During and after each presentation, the justices can and should actively question the attorney in an effort to clarify the arguments. Attorneys may ask for time to consult with other members of their team before answering questions.



MOOT COURT SUBSTANTIVE RUBRIC
JUSTICES SCORING SHEET
TEAM SCORING

1. The student asks questions and makes points during decision conference that links case facts with:	—	—	—	—	—
specific examples of relevant law	—	—	—	—	—
other facts relating to legal issue	—	—	—	—	—
legal precedent	—	—	—	—	—
general legal principles	—	—	—	—	—
2. The student asks questions and makes points during decision conference that address all relevant arguments of the opposing sides	—	—	—	—	—
3. The student asks questions and makes points during decision conference that deal with the potential impact on society of the court's decision.	—	—	—	—	—

Scoring guide:
+ = strongly made point
✓= point made but without strength
0 = point absent or very weak

MOOT COURT SUBSTANTIVE RUBRIC
ATTORNEYS SCORING SHEET
TEAM SCORING

TEAM ROLE (Petitioner/Respondent)

1. The student presents a persuasive and compelling argument that links case facts with:	—	—	—	—	—
specific examples of relevant law	—	—	—	—	—
other facts relating to legal issue	—	—	—	—	—
legal precedent	—	—	—	—	—
general legal principles	—	—	—	—	—
2. The student anticipates and addresses all relevant arguments of the opposing side	—	—	—	—	—
3. The student insightfully and accurately incorporates into the argument the potential impact on society of the court's decision.	—	—	—	—	—

Scoring guide:
+ = strongly made point
✓= point made but without strength
0 = point absent or very weak

Figure 6.12. Grading sheets for lawyers and judges.

9. After all arguments have been presented, organize the justices into a circle. The rest of the class can sit outside to listen, but cannot talk or interrupt the deliberations. Justices discuss all arguments and make a decision by a majority vote. Each justice should give reasons for his or her decision. You may wish to require written opinions to precede the discussion. If using journalists, their reports and editorials can be presented and critiqued for accuracy and persuasiveness.

10. Conclude with a class discussion of the decision. If the case is based on an actual Supreme Court decision, share the actual opinion(s)—majority and dissenting—with students for analysis of the court's reasoning.

Questions and Issues to Be Addressed

As with the mock trial, there are a range of instructional and assessment issues to be addressed based on the field test experience.

1. Scoring individual contributions within a group task. A major issue is assessing the role of the individual within a group project. Keith Chamberlain found that "it was difficult to assess whether every member of the team was proficient on every part of the task. The weakness of the assessment for individuals is reflected in a final product that represented a great deal of team work." Rick Nagel finds that a team score works well for him even though this practice is not acceptable for some. He allows students to divide the work as they wish; a student who may not have contributed to a written brief will still get credit for what his team member accomplished.

2. Time for simulated hearings. The teachers who field tested the scoring rubric did so with an in-depth unit of instruction. While the moot court fit within courses such as "Law and Society," "Constitutional Law," and "The Supreme Court from 1954-Present," teachers indicated they would not have the luxury of the time needed for such an activity within U.S. history survey courses. The strength of specialized courses is that students have the opportunity to practice—to learn from their mistakes. Thus, the challenge to teachers of survey courses is to teach content through the modified moot court.

3. Presenting expectations that are meaningful to students. Reported one teacher, "My students seemed a bit perplexed and bemused by the elaborate rating system. They didn't feel that the assigned task was too difficult, though few achieved "exemplary" level. They enjoyed the hearing, and took it very seriously. They felt the ratings were fair. I was disappointed that many students had a difficult time transcending the facts to engage in constitutional analysis."

4. Coaching justices to ask good questions. In viewing videotapes of moot courts, it was noted by most observers that students understood and developed the role of the advocate positions far more effectively than they did the role of asking questions as justices do. Nancy has had

some success in improving students' ability to ask better questions by presenting lessons in which students listen to transcripts of arguments before the U.S. Supreme Court.

5. Determining what assessments would be useful or necessary as a supplement.

Reflection/Exercise

Below are listed the outcomes that teachers feel can be expected from participation in moot court. Students will be able to:

______1. Describe the process used by the U.S. Supreme Court to make decisions.

______2. Explain and use key principles of the Constitution and/or statutes.

______3. Describe how the meaning of the Constitution (and/or specific statutes) change over time.

______4. Work collaboratively to develop and refine a product.

______5. Apply foundational knowledge (e.g. specific case precedents) to new situations.

______6. Communicate ideas, both orally and in writing, that define, support, and/or clarify one or more positions about a legal controversy.

Evaluate the scoring rubrics in Figure 6.11. Place check marks by those outcomes on the list above that are successfully evaluated with the scoring rubrics. What assessment strategies might you suggest to collect information about those not checked?

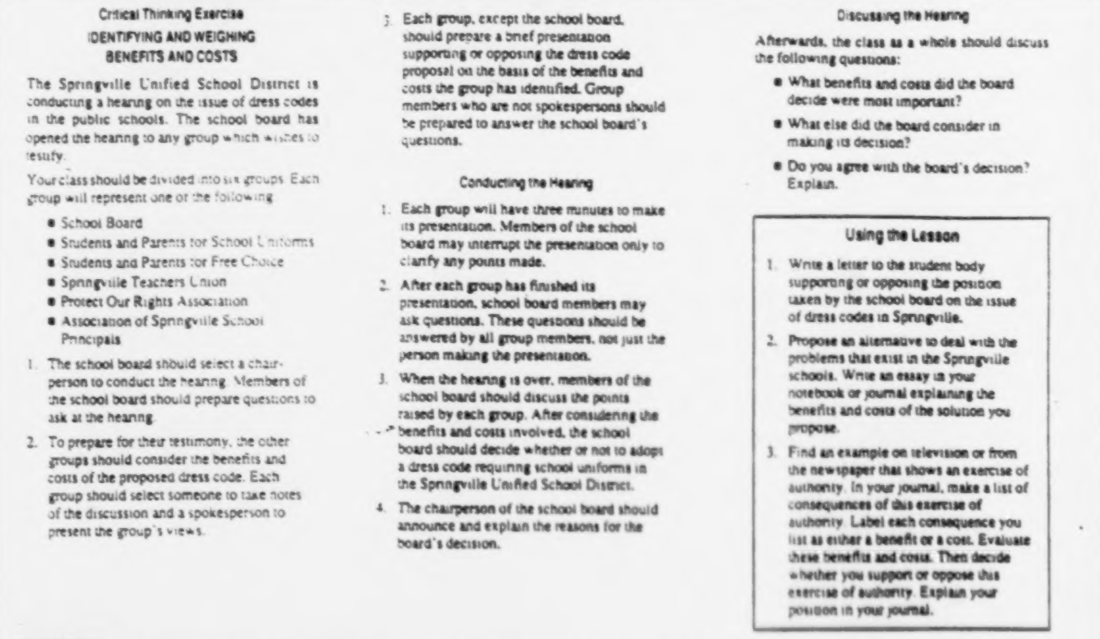
Simulated Legislative Hearings

The well-worn political saying, "There are two things you want to avoid seeing made—sausage and laws," implies that law-making necessarily involves questionable motives and interaction. This premise is investigated and challenged by teachers who undertake simulated legislative processes as a means for helping young people develop the skills and knowledge to participate in civic life.

Materials are available for simulating an array of law-making bodies including school board, city council, citizen advisory committees, and congressional bodies. An example hearing activity from the Center for Civic Education's *Authority* unit is shown in Figure 6.13.

The We the People, the Citizen and the Constitution program developed by the Center for Civic Education is perhaps the most visible program for teaching students about government and politics through a simulated legislative hearing. While some programs are more authentic in replicating the processes of law-making, *We the People* has many strengths. The program involves whole classes of students at the upper elementary, middle, and high school levels in a comprehensive study of the U.S. Constitution and Bill of Rights. Following six units of instruction on the history and principles of the U.S. Constitution, the First Amendment, and the role of citizen, students take a multiple-choice test. Once 70 percent of the class gets a score of 70 percent or higher, they then prepare for a simulated congressional hearing. Each student is assigned to specialize in one of the six units. Each unit team prepares for a ten-minute hearing in which adults from their community question them about the historical and contemporary applications of the Constitution. The hearing begins with a three- to four-minute opening statement on a broad general question, followed by six to seven minutes responding to follow-up questions.

The scoring rubric in Figure 6.14 has been adapted from the Center for Civic Education's materials by the Hawaii We the People program. A panel of three judges rates a group on each of the six traits. Individual scores are not assigned. Following the scoring, judges give the students



Critical Thinking Exercise

IDENTIFYING AND WEIGHING BENEFITS AND COSTS

The Springville Unified School District is conducting a hearing on the issue of dress codes in the public schools. The school board has opened the hearing to any group which wishes to testify.

Your class should be divided into six groups. Each group will represent one of the following:

- School Board
- Students and Parents for School Uniforms
- Students and Parents for Free Choice
- Springville Teachers Union
- Protect Our Rights Association
- Association of Springville School Principals

1. The school board should select a chairperson to conduct the hearing. Members of the school board should prepare questions to ask at the hearing.
2. To prepare for their testimony, the other groups should consider the benefits and costs of the proposed dress code. Each group should select someone to take notes of the discussion and a spokesperson to present the group's views.
3. Each group, except the school board, should prepare a brief presentation supporting or opposing the dress code proposal on the basis of the benefits and costs the group has identified. Group members who are not spokespersons should be prepared to answer the school board's questions.

Conducting the Hearing

1. Each group will have three minutes to make its presentation. Members of the school board may interrupt the presentation only to clarify any points made.
2. After each group has finished its presentation, school board members may ask questions. These questions should be answered by all group members, not just the person making the presentation.
3. When the hearing is over, members of the school board should discuss the points raised by each group. After considering the benefits and costs involved, the school board should decide whether or not to adopt a dress code requiring school uniforms in the Springville Unified School District.
4. The chairperson of the school board should announce and explain the reasons for the board's decision.

Discussing the Hearing

Afterwards, the class as a whole should discuss the following questions:

- What benefits and costs did the board decide were most important?
- What else did the board consider in making its decision?
- Do you agree with the board's decision? Explain.

Using the Lesson

1. Write a letter to the student body supporting or opposing the position taken by the school board on the issue of dress codes in Springville.
2. Propose an alternative to deal with the problems that exist in the Springville schools. Write an essay in your notebook or journal explaining the benefits and costs of the solution you propose.
3. Find an example on television or from the newspaper that shows an exercise of authority. In your journal, make a list of consequences of this exercise of authority. Label each consequence you list as either a benefit or a cost. Evaluate these benefits and costs. Then decide whether you support or oppose this exercise of authority. Explain your position in your journal.

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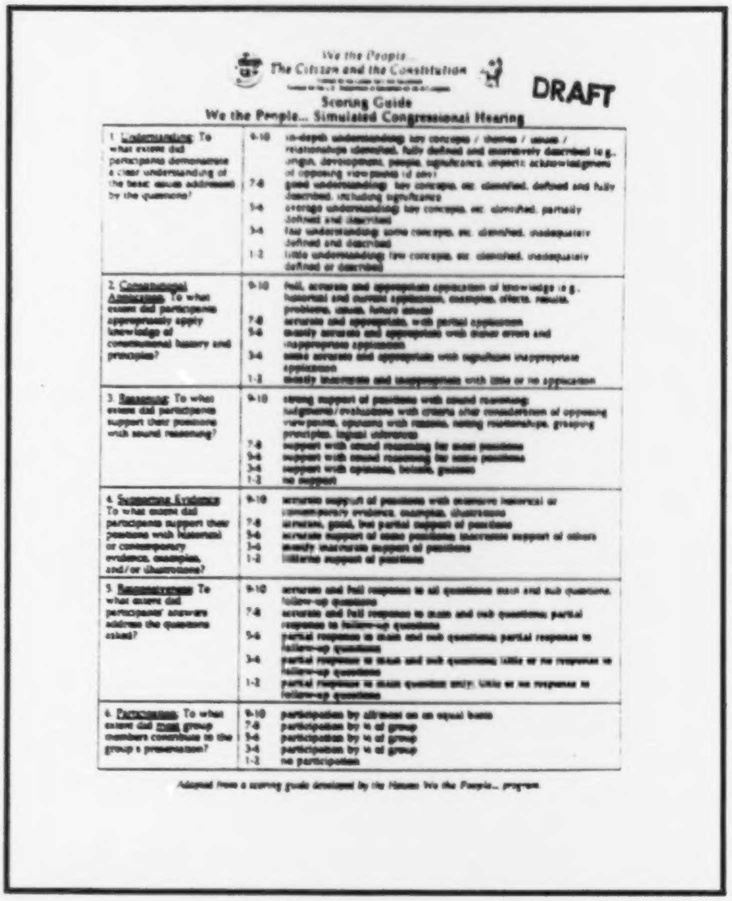
Figure 6.13. Sample hearing activity from the Center for Civic Education.

feedback on the strengths and weaknesses of their presentation. Their rubric is now being tested by teachers in other states.

While the Center sponsors a competitive format in all 50 states and at the national level, many teachers have found the hearing can be useful as a non-competitive classroom lesson. The Center has prepared the following checklist (Figure 6.15) of classroom characteristics to illustrate the relationship between performance assessment and the simulated congressional hearing. The We the People program and the simulated hearing have been analyzed by the Council for Basic Education as a promising performance assessment.



We the People...
The Citizen and the Constitution

DRAFT

Scoring Guide
We the People... Simulated Congressional Hearing

1. Understanding: To what extent did participants demonstrate a clear understanding of the basic issues addressed by the questions?	9-10 7-8 5-6 3-4 1-2	in-depth understanding: key concepts / themes / issues / relationships identified, fully defined and accurately described (e.g., origin, development, people, significance, impact; acknowledgment of opposing viewpoints if any) good understanding: key concepts, etc. identified, defined and fully described, including significance average understanding: key concepts, etc. identified, partially defined and described fair understanding: some concepts, etc. identified, inadequately defined and described little understanding: few concepts, etc. identified, inadequately defined or described
2. Constitutional Application: To what extent did participants appropriately apply knowledge of constitutional history and principles?	9-10 7-8 5-6 3-4 1-2	full, accurate and appropriate application of knowledge (e.g., historical and current applications, examples, effects, results, problems, issues, future issues) accurate and appropriate, with partial application mostly accurate and appropriate with minor errors and inappropriate application some accurate and appropriate with significant inappropriate application mostly inaccurate and inappropriate with little or no application
3. Reasoning: To what extent did participants support their positions with sound reasoning?	9-10 7-8 5-6 3-4 1-2	strong support of positions with sound reasoning: judgments/evaluations with criteria after consideration of opposing viewpoints, opinions with reasons, noting relationships, grasping principles, logical inferences support with sound reasoning for most positions support with sound reasoning for some positions support with opinions, beliefs, guesses no support
4. Supporting Evidence: To what extent did participants support their positions with historical or contemporary evidence, examples, and/or illustrations?	9-10 7-8 5-6 3-4 1-2	accurate support of positions with extensive historical or contemporary evidence, examples, illustrations accurate, good, but partial support of positions accurate support of some positions; inaccurate support of others mostly inaccurate support of positions little/no support of positions
5. Responsiveness: To what extent did participants' answers address the questions asked?	9-10 7-8 5-6 3-4 1-2	accurate and full responses to all questions: main and sub questions, follow-up questions accurate and full responses to main and sub questions; partial response to follow-up questions partial response to main and sub questions; partial response to follow-up questions partial response to main and sub questions; little or no response to follow-up questions partial response to main question only; little or no response to follow-up questions
6. Participation: To what extent did most group members contribute to the group's presentation?	9-10 7-8 5-6 3-4 1-2	participation by all/most on an equal basis participation by ¾ of group participation by ½ of group participation by ¼ of group no participation

Adapted from a scoring guide developed by the Hawaii We the People... program.

Figure 6.14. Rubric for simulated congressional hearing.

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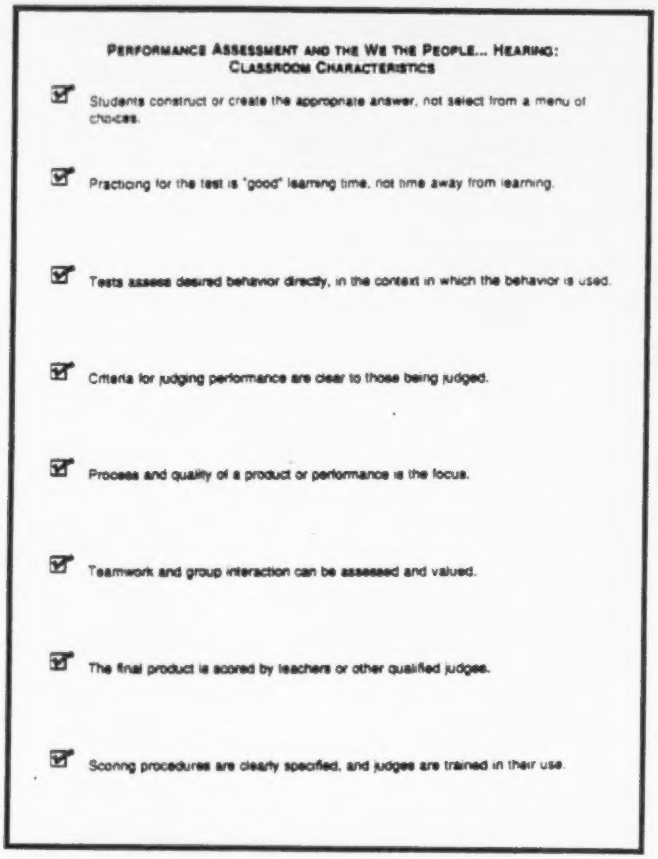

PERFORMANCE ASSESSMENT AND THE WE THE PEOPLE... HEARING: CLASSROOM CHARACTERISTICS

- ☑ Students construct or create the appropriate answer, not select from a menu of choices.
- ☑ Practicing for the test is "good" learning time, not time away from learning.
- ☑ Tests assess desired behavior directly, in the context in which the behavior is used.
- ☑ Criteria for judging performance are clear to those being judged.
- ☑ Process and quality of a product or performance is the focus.
- ☑ Teamwork and group interaction can be assessed and valued.
- ☑ The final product is scored by teachers or other qualified judges.
- ☑ Scoring procedures are clearly specified, and judges are trained in their use.

Figure 6.15. Checklist illustrating performance assessment for We the People hearing.

Reflection/Exercise

Apply the criteria used by We the People to a student performance. What are your strengths and weaknesses?

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Chapter 7: Assessing Student Writing

While assessing student learning through performances, portfolios, or discussion may be new to many social studies teachers, using writing as an assessment tool is not. Teachers have long known that writing tasks are one of the best ways to find out what students are thinking and how they have arrived at positions or conclusions reflected in their other work. Why, then, are we considering writing in this handbook on authentic assessment?

Well-conceived writing tasks certainly meet Newmann's criteria for authenticity. They require students to demonstrate depth of understanding by organizing, interpreting, evaluating, and synthesizing complex information about a particular topic, issue, problem, or concept. Such tasks require students to use methods of inquiry from the academic disciplines (e.g., interpretation of primary sources) and demand the use of significant substantive knowledge. Writing tasks also have meaning beyond the instructional setting. Some tasks have immediate audiences beyond the school (e.g., letters to legislators), while others resemble writing that students will need to do in their lives as citizens. Writing tasks in civic education can also be designed to link school learning with students' life experiences.

Some of the writing tasks typically assigned by social studies teachers clearly meet these criteria, while others do not. Thus, one of our goals in including a chapter on writing is to encourage you to reflect on the writing tasks you assign.

Another reason for including this chapter is that many teachers, even those who assign well-conceived tasks, do not clearly communicate their expectations to students. Our examination of writing assignments and the resulting papers from a number of teachers indicate that not only are expectations not clearly communicated, we cannot generally infer those expectations from the grade and feedback provided students. Nor can students learn a great deal about how to improve their performance from that feedback. Greg Clevenger, a government teacher from Okemos, Michigan, found that giving students a rubric having well-defined criteria in advance improved performance, especially for the poorer writers. Thus, we also hope that this chapter will prompt you to adapt and use one of the rubrics included and to examine how its use affects student performance.

Reflection/Exercise

Select a writing assignment you have used in a law, civics/government, or history course. To what extent did the work done by students meet Newmann and Wehlage's criteria for authentic work:

- Did students construct meaning and produce knowledge?
- Did students use disciplined inquiry to construct meaning?
- Did students' work have value or meaning beyond success in school?

Now consider the criteria you used to assess students' work. Were the criteria well articulated? How did you communicate these criteria to students? How did you provide feedback to students on their performance?

Given your current thinking about authentic work and assessment, how would you revise this task and the way in which you assessed it?

Types of Writing Applicable to Civic Education

Several types of writing tasks are particularly relevant in civic education. While any of these types of tasks can be used to develop/assess students' writing skills, each task also addresses other outcomes that may be of particular importance to you. In the subsections that follow, we discuss three types of writing tasks and their use in civic education. For each, we discuss the construction of prompts and provide an example of materials used to help students learn about that form of writing. While it is not our function in this chapter to provide a great deal of background on teaching writing skills, we would stress that it is unfair to assess students' writing skills without providing some instruction in that area. We recommend that social studies teachers who want to use writing as an assessment use an approach compatible with the writing approach used in the language arts department. Thus, if students experience the process approach in their English courses, we would advise you to provide for prewriting, composing, and rewriting phases as students work on writing tasks.

Essays

One form of writing that is familiar to most teachers is the essay. Essays are a good way to assess students' thinking skills—their ability to analyze, apply, evaluate, and synthesize course material. They can also be used to assess students' knowledge, as well as their ability to

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use methods of inquiry in a discipline. Prompts can be constructed so that the focus is strictly on skills; that is, if the prompt provides all the information students need to answer the question, then the assessment can focus solely on critical thinking. If students must draw on their own knowledge, then the essay can be used to assess both content understanding and thinking. As a follow-up to a performance, such as a mock trial, the essay can be used to assess what was learned from that activity. Document-based questions in particular can be used to test students' ability to use methods of inquiry.

The criterion that authentic work have meaning and purpose beyond school is too often neglected in developing essay prompts. Many essays, in fact, have no purpose other than to meet course requirements and no audience other than the teacher. In writing prompts, it is therefore particularly important to ensure that the essay has a clear purpose and audience.

Many ways of structuring essays exist, and you may find it helpful to consult with the language arts department regarding the essay form they teach. Thomas Ladenburg, a U.S. history teacher in Brookline, Massachusetts, who includes an essay-writing assignment in each unit of his course, provides an example of a very specific form to use in writing the essays. The form includes three major parts: a thesis statement, a main body, and a conclusion. Students are given instruction on how to use the thesis to foreshadow their major arguments; how to support those arguments using evidence of various types; and how to write a powerful conclusion. The essay form is mentioned in each writing assignment given throughout the course, but less instruction is provided as the year progresses. Tom has found this strategy to be effective in producing growth in essay writing.

In constructing essay prompts, teachers must think carefully about what they want to accomplish, identify the objectives they are assessing, and make sure that the question is related to those objectives in a way that can be defined in terms of expected student behavior. The question should have a clear focus in order to give students some ideas for how to begin framing a response. Similarly, a clear focus will help the teacher specify criteria for evaluation. Several prompts illustrating various types of essays are provided in Figure 7.1.

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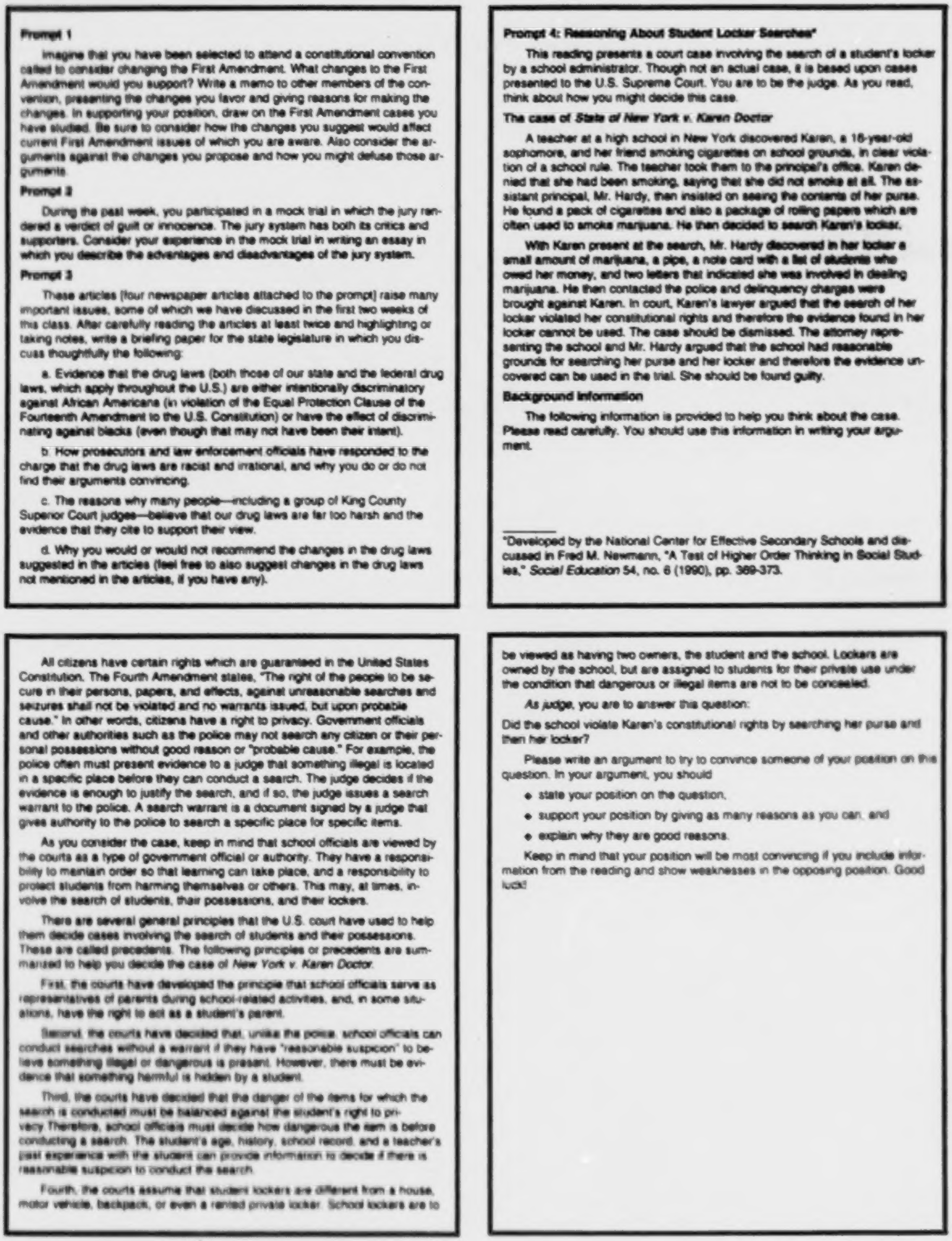

Prompt 1

Imagine that you have been selected to attend a constitutional convention called to consider changing the First Amendment. What changes to the First Amendment would you support? Write a memo to other members of the convention, presenting the changes you favor and giving reasons for making the changes. In supporting your position, draw on the First Amendment cases you have studied. Be sure to consider how the changes you suggest would affect current First Amendment issues of which you are aware. Also consider the arguments against the changes you propose and how you might defuse those arguments.

Prompt 2

During the past week, you participated in a mock trial in which the jury rendered a verdict of guilt or innocence. The jury system has both its critics and supporters. Consider your experience in the mock trial in writing an essay in which you describe the advantages and disadvantages of the jury system.

Prompt 3

These articles [four newspaper articles attached to the prompt] raise many important issues, some of which we have discussed in the first two weeks of this class. After carefully reading the articles at least twice and highlighting or taking notes, write a briefing paper for the state legislature in which you discuss thoughtfully the following:

a. Evidence that the drug laws (both those of our state and the federal drug laws, which apply throughout the U.S.) are either intentionally discriminatory against African Americans (in violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution) or have the effect of discriminating against blacks (even though that may not have been their intent).

b. How prosecutors and law enforcement officials have responded to the charge that the drug laws are racist and irrational, and why you do or do not find their arguments convincing.

c. The reasons why many people—including a group of King County Superior Court judges—believe that our drug laws are far too harsh and the evidence that they cite to support their view.

d. Why you would or would not recommend the changes in the drug laws suggested in the articles (feel free to also suggest changes in the drug laws not mentioned in the articles, if you have any).

Prompt 4: Reasoning About Student Locker Searches*

This reading presents a court case involving the search of a student's locker by a school administrator. Though not an actual case, it is based upon cases presented to the U.S. Supreme Court. You are to be the judge. As you read, think about how you might decide this case.

The case of *State of New York v. Karen Doctor*

A teacher at a high school in New York discovered Karen, a 16-year-old sophomore, and her friend smoking cigarettes on school grounds, in clear violation of a school rule. The teacher took them to the principal's office. Karen denied that she had been smoking, saying that she did not smoke at all. The assistant principal, Mr. Hardy, then insisted on seeing the contents of her purse. He found a pack of cigarettes and also a package of rolling papers which are often used to smoke marijuana. He then decided to search Karen's locker.

With Karen present at the search, Mr. Hardy discovered in her locker a small amount of marijuana, a pipe, a note card with a list of students who owed her money, and two letters that indicated she was involved in dealing marijuana. He then contacted the police and delinquency charges were brought against Karen. In court, Karen's lawyer argued that the search of her locker violated her constitutional rights and therefore the evidence found in her locker cannot be used. The case should be dismissed. The attorney representing the school and Mr. Hardy argued that the school had reasonable grounds for searching her purse and her locker and therefore the evidence uncovered can be used in the trial. She should be found guilty.

Background Information

The following information is provided to help you think about the case. Please read carefully. You should use this information in writing your argument.

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*Developed by the National Center for Effective Secondary Schools and discussed in Fred M. Newmann, "A Test of Higher Order Thinking in Social Studies," *Social Education* 54, no. 6 (1990), pp. 369-373.

All citizens have certain rights which are guaranteed in the United States Constitution. The Fourth Amendment states, "The right of the people to be secure in their persons, papers, and effects, against unreasonable searches and seizures shall not be violated and no warrants issued, but upon probable cause." In other words, citizens have a right to privacy. Government officials and other authorities such as the police may not search any citizen or their personal possessions without good reason or "probable cause." For example, the police often must present evidence to a judge that something illegal is located in a specific place before they can conduct a search. The judge decides if the evidence is enough to justify the search, and if so, the judge issues a search warrant to the police. A search warrant is a document signed by a judge that gives authority to the police to search a specific place for specific items.

As you consider the case, keep in mind that school officials are viewed by the courts as a type of government official or authority. They have a responsibility to maintain order so that learning can take place, and a responsibility to protect students from harming themselves or others. This may, at times, involve the search of students, their possessions, and their lockers.

There are several general principles that the U.S. court have used to help them decide cases involving the search of students and their possessions. These are called precedents. The following principles or precedents are summarized to help you decide the case of *New York v. Karen Doctor*.

First, the courts have developed the principle that school officials serve as representatives of parents during school-related activities, and, in some situations, have the right to act as a student's parent.

Second, the courts have decided that, unlike the police, school officials can conduct searches without a warrant if they have "reasonable suspicion" to believe something illegal or dangerous is present. However, there must be evidence that something harmful is hidden by a student.

Third, the courts have decided that the danger of the items for which the search is conducted must be balanced against the student's right to privacy. Therefore, school officials must decide how dangerous the item is before conducting a search. The student's age, history, school record, and a teacher's past experience with the student can provide information to decide if there is reasonable suspicion to conduct the search.

Fourth, the courts assume that student lockers are different from a house, motor vehicle, backpack, or even a rented private locker. School lockers are to be viewed as having two owners, the student and the school. Lockers are owned by the school, but are assigned to students for their private use under the condition that dangerous or illegal items are not to be concealed.

As judge, you are to answer this question:

Did the school violate Karen's constitutional rights by searching her purse and then her locker?

Please write an argument to try to convince someone of your position on this question. In your argument, you should

- state your position on the question,
- support your position by giving as many reasons as you can, and
- explain why they are good reasons.

Keep in mind that your position will be most convincing if you include information from the reading and show weaknesses in the opposing position. Good luck!

Figure 7.1. Sample essay prompts.

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Reflection/Exercise

Choose one of the essay prompts from Figure 7.1. What objectives or outcomes do you think the teacher who wrote the prompt was trying to assess? What criteria would be important in assessing the essays students produced in response to the prompt? What do you like about the prompt? Based on your analysis, how might you improve the prompt?

Look at an essay prompt you have assigned previously. What outcomes does it assess? Does it have a clear focus? What were your criteria? Do they relate to the outcomes you identified? Would you use this prompt again? If not, why not? If so, how might you improve the prompt?

Legal Writing

Legal writing is similar to essay writing, but may focus more specifically on methods of inquiry or modes of thinking in law. Legal writing can include writing legal opinions or briefs; these forms of authentic writing in civic life have particular audiences that students must address (although we recognize that most students in their adult lives will not write legal opinions as judges or briefs as lawyers) and require certain forms of thinking and analysis. The role of briefs in a larger moot court activity, as discussed in Chapter 6, illustrates an effective use of legal writing.

Another example of legal writing is the case study analysis. Preparation of case study analyses is a technique used in law schools and is useful in developing students' critical thinking skills. One model is called the IRAC method—for Issue, Rule, Analysis, and Conclusion. First students state the issue that must be answered. They then cite the applicable law and legal precedents. The analysis phase involves applying the applicable law to the facts of the case. Finally, the student states a conclusion to the issue. Figure 7.2 presents materials used to introduce students to this model.

Another commonly used model for writing case study analyses (also used in discussion of case studies) is to have students go through the following steps:

- Step 1: Review of the Facts
  What are the significant facts in the case?
- Step 2: Investigation of Issues/Arguments
  What legal issues are involved?
  What arguments might be presented?
- Step 3: Consideration of Decision and Reasoning
  What would you decide? Why?
  What was the court's decision?
  Why did the court come to that conclusion?

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An example of a prompt for legal writing is provided in Figure 7.3.

I R A C - SYSTEMATIC LEGAL WRITING

The most efficient way to communicate the analysis of a legal issue to the reader is IRAC. IRAC stands for ISSUE, RULE, APPLICATION, and CONCLUSION. IRAC is helpful to you as the writer, because it forces you to articulate each part of your legal analysis. It also helps prevent you from omitting a step in the analytical process. Each issue should include all four of the following elements:

ISSUE—State the legal question that must be answered as clearly as possible. It should be written in question form. Sometimes there are multiple issues to be answered in any given case.

RULE—The rule section may include several parts. This is where the writer proves that he/she knows which laws relate to a particular case and that he/she understands the meaning of those laws. If the rule comes from a statute, begin by quoting the *relevant* portions of the statute or rephrasing what they say. Often the language of the statutes are quite general, and they require a statement describing how the general language has ben interpreted by the court. Precedents are also mentioned here if they help to illustrate how the rule was applied in the past by a court. This section is to describe the rules of law relating to the issue raised. The facts of the particular case being discussed should not be mentioned. It is essential that you demonstrate a good understanding of the law here.

APPLICATION OF RULE TO FACTS (ARGUMENTS)—Next apply the rules discussed in R to the facts of the case. You should prove whether the rules have been violated by proving whether each element of a law is met and quote language from the law in the process. It is here that you must fully discuss the facts and their legal implications. However, there is no need to retell the entire sequence of events. Assume the reader is familiar with the facts and only discuss those facts relevant to your arguments. You should incorporate each rule of law and use only legal arguments—arguments which help prove whether an element of the law has been met. Limit your discussion to legal arguments because your job as a judge is to apply the law.

CONCLUSION—Finally, state your conclusion for each issue. There is no need to make arguments here because they have all been made in A.

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*Reprinted from *Legal Writing: A Systematic Approach*, by Diana V. Pratt, 1989, with permission of the West Publishing Corporation.

Figure 7.2. Materials introducing the IRAC model for legal writing.

The Bethlehem (PA) Area School District required that all high school students perform 60 hours of community service. The parents of a girl challenged this requirement, arguing that the program violates the 13th Amendment's prohibition of involuntary servitude. They also argued that by deciding which activities are acceptable, the school district imposed moral beliefs on students in violation of the First Amendment's guarantee of free speech. The school district argued that the community service requirement served a legitimate educational purpose and did not require that students adhere to a particular set of beliefs. The mandatory service program was upheld by a federal district court and by the U.S. Court of Appeals. The case was appealed to the Supreme Court.

If you were a Supreme Court Justice, how would you vote on this case? Write an opinion explaining your position and the reasoning and legal precedent that support it.

Figure 7.3. Sample prompt for legal writing.

Correspondence

Writing correspondence—to public officials, the media, or to other citizens—is another form of writing appropriate in civic education. A unique aspect of this form of writing is that it has a very particular audience. Thus, it is a good way to assess to what degree students understand not only the appropriate forms for various audiences, but also the types of evidence and argument that will be most persuasive.

Teachers in our project agreed that writing for real audiences—not just the teacher or classmates—was an important aspect of civic education that also contributed to students' sense of efficacy. Carla O'Boyle, a teacher in an eighth-grade "school-within-a-school" program at Heritage Middle School in Longmont, Colorado, instituted a letter-writing project as part of a civic issues unit. Although Carla's students began the project with the attitude that "I'm just a kid—what good will this do?," receiving responses to their letters from public officials had a positive effect on their views of how average citizens could affect decision making. (Teachers should note, however, that some states have imposed limits on students writing to public officials. Be aware of the requirements in your state before assigning this type of writing task.)

A lesson used to introduce students to writing letters to public officials is provided in Figure 7.4. Some examples of prompts for writing correspondence are provided in Figure 7.5.

Reflection/Exercise

Select one of the prompts from Figure 7.3 or 7.5. What prior instruction can you infer from the prompt? What would students need to know about the form of writing in order to be successful? What substantive legal knowledge would they need in order to write an exemplary response?

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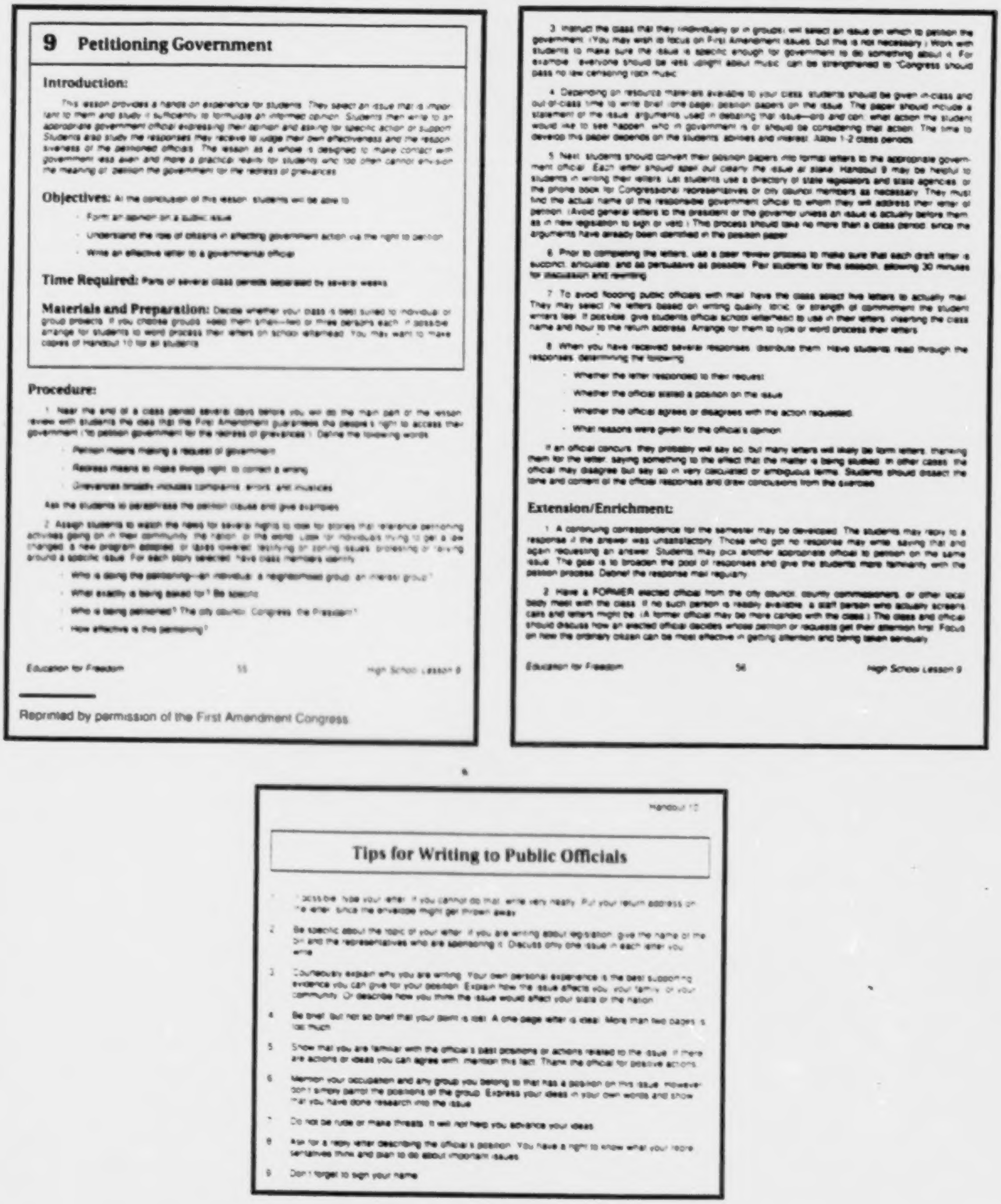

9 Petitioning Government

Introduction:

Objectives:

Time Required:

Materials and Preparation:

Procedure:

Education for Freedom 55 High School Lesson 9

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Extension/Enrichment:

Education for Freedom 56 High School Lesson 9

Handout 10

Tips for Writing to Public Officials

Figure 7.4 Sample lesson introducing letter-writing.

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Your high school has an open campus policy. Several recent incidents at businesses and in parks near the school have led local leaders to call for a closed campus. The local newspaper has carried several letters to the editor and an editorial criticizing students at your school as too irresponsible to handle the privilege of an open campus. You strongly disagree. Write a letter to the editor of the newspaper making the case for an open campus. Use any legal and constitutional grounds that are applicable.

In a number of recent cases, juveniles—some as young as 12—have been tried as adults. Their crimes, some people argue, are so heinous that they deserve to be punished to the full extent of the law. Furthermore, these people maintain, the rising tide of violence among teenagers requires strong action. On the other hand, some people argue that the juvenile justice system was established because young people do not make decisions in the same way as adults do. Thus, no matter how heinous their crimes, they deserve to be treated as what they are—young people whose moral and logical reasoning capacities are not yet fully developed. A special session of your state legislature will soon be considering changes in the laws regarding when and under what conditions juveniles can be tried as adults. Write a letter to your state representative explaining your views on this issue.

Having participated in the *Vickers v. Hearst* mock trial, what advice might you give to someone who is serving alcohol at a party in his/her home? Your answer should address the following questions:

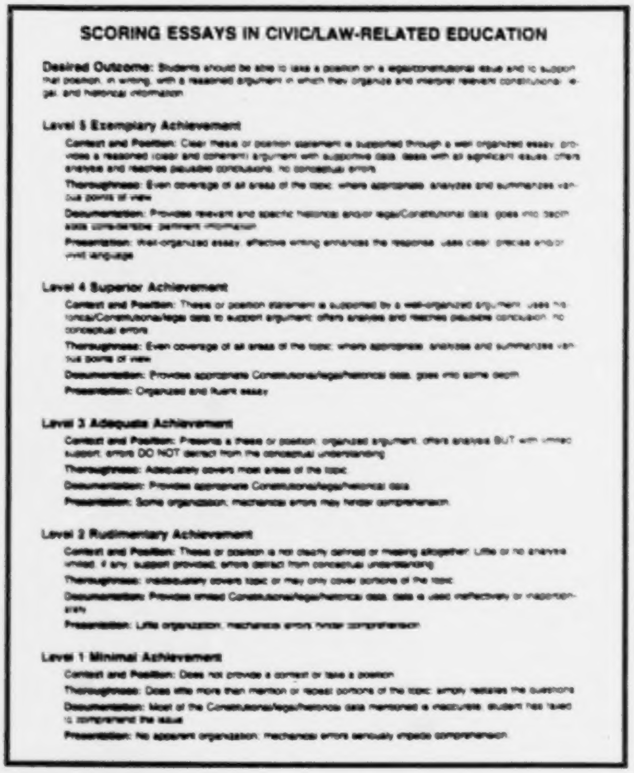
- What does the law say about the responsibility of social hosts?
- What precedent is established through the verdict in the classroom mock trial?
- Do you agree or disagree with the verdict?

Your response can take the form of a letter to a friend, a letter to the editor of a newspaper, or a TV or radio commentary.

Figure 7.5. Sample prompts for writing letters.

The teachers in our project began with some very good models for evaluating student essays. One was a set of essay scoring guides developed by the History-Social Science Committee for the California Assessment Program. Another model was a set of criteria adapted from the NAEP assessment of persuasive writing by staff members at the National Center on Effective Secondary Schools; these criteria had been used in a research study on evaluating higher order thinking through persuasive writing on constitutional issues (Newmann 1990). Teachers also had access to rubrics and scoring criteria developed by individual social studies teachers and by language arts specialists.

At a writing conference, a small group of teachers sorted through the various models available and chose the Newmann and California scoring guides as most applicable to essays written in civics or law-related courses. They created a scoring guide based on these two models (see Figure 7.6). The guide is holistic, in that only an overall score is given, rather than individual scores on each of the four criteria (context and position; thoroughness; documentation; presentation).



SCORING ESSAYS IN CIVIC/LAW-RELATED EDUCATION

Desired Outcome: Students should be able to take a position on a legal/constitutional issue and to support that position, in writing, with a reasoned argument in which they organize and interpret relevant constitutional, legal, and historical information.

Level 5 Exemplary Achievement

Context and Position: Clear thesis or position statement is supported through a well organized essay; provides a reasoned (clear and coherent) argument with supportive data; deals with all significant issues; offers analysis and reaches plausible conclusions; no conceptual errors

Thoroughness: Even coverage of all areas of the topic; where appropriate, analyzes and summarizes various points of view

Documentation: Provides relevant and specific historical and/or legal/Constitutional data; goes into depth; adds considerable pertinent information

Presentation: Well-organized essay; effective writing enhances the response; uses clear, precise and/or vivid language

Level 4 Superior Achievement

Context and Position: Thesis or position statement is supported by a well-organized argument; uses historical/Constitutional/legal data to support argument; offers analysis and reaches plausible conclusion; no conceptual errors

Thoroughness: Even coverage of all areas of the topic; where appropriate, analyzes and summarizes various points of view

Documentation: Provides appropriate Constitutional/legal/historical data; goes into some depth

Presentation: Organized and fluent essay

Level 3 Adequate Achievement

Context and Position: Presents a thesis or position; organized argument; offers analysis BUT with limited support; errors DO NOT detract from the conceptual understanding

Thoroughness: Adequately covers most areas of the topic

Documentation: Provides appropriate Constitutional/legal/historical data

Presentation: Some organization; mechanical errors may hinder comprehension

Level 2 Rudimentary Achievement

Context and Position: Thesis or position is not clearly defined or missing altogether. Little or no analysis; limited, if any, support provided; errors detract from conceptual understanding

Thoroughness: Inadequately covers topic or may only cover portions of the topic

Documentation: Provides limited Constitutional/legal/historical data; data is used ineffectively or inappropriately

Presentation: Little organization; mechanical errors hinder comprehension

Level 1 Minimal Achievement

Context and Position: Does not provide a context or take a position

Thoroughness: Does little more than mention or repeat portions of the topic; simply restates the questions

Documentation: Most of the Constitutional/legal/historical data mentioned is inaccurate; student has failed to comprehend the issue

Presentation: No apparent organization; mechanical errors seriously impede comprehension

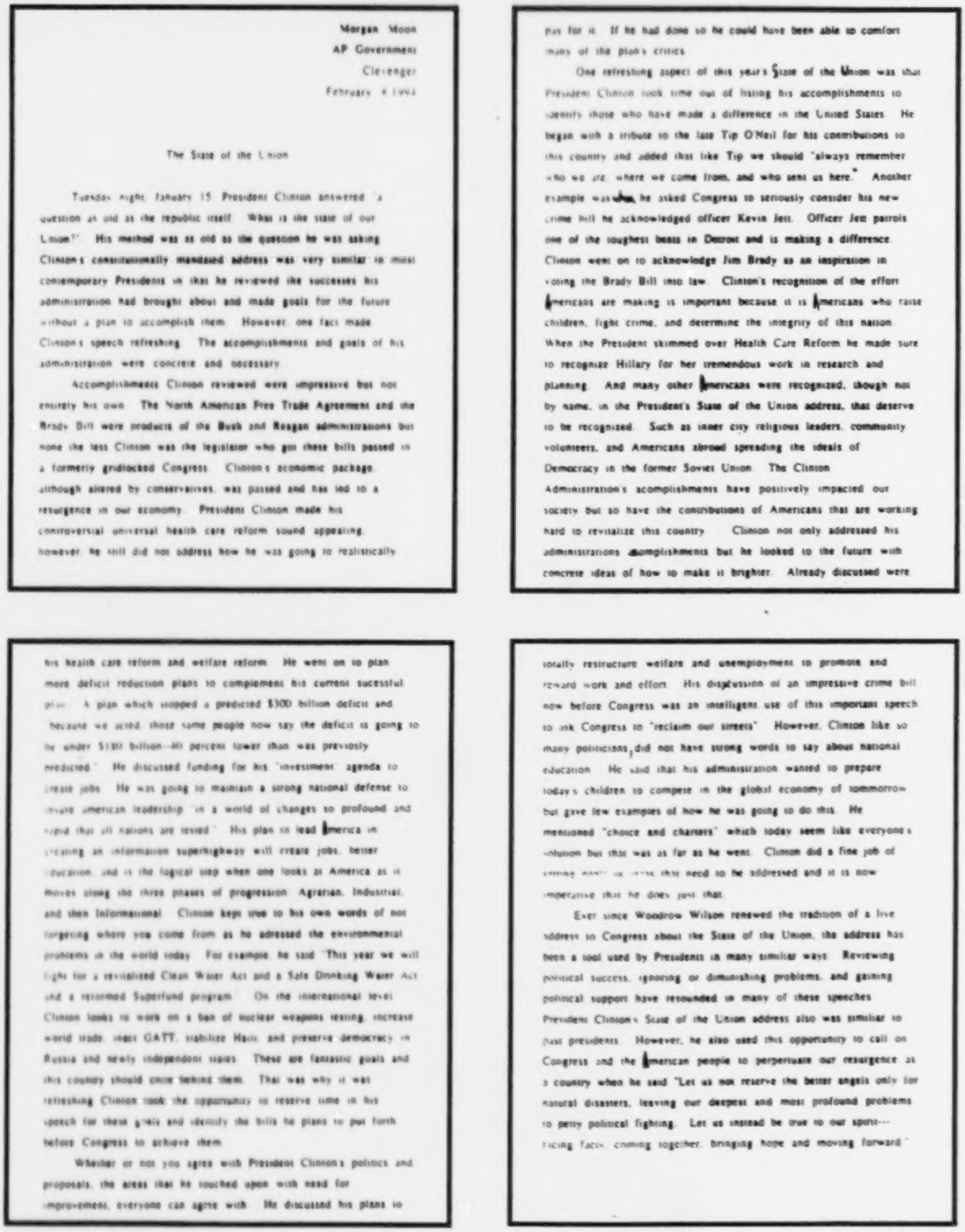
Figure 7.6. Rubric for scoring essays.

Greg Clevenger used the rubric in his AP government class. Although the group that adapted the rubric had selected student essays from the Newmann article to illustrate each level of performance in the scoring guide, Greg chose not to use the sample essays. The writing assignment was to watch President Clinton's State of the Union speech and write a position paper of 750-1000 words relating to the speech. Here is Greg's description of the way in which he used the rubric:

> *My goal with this writing assignment was to assess whether students can take a position on a legal/constitutional issue and support that position, in writing, with a reasoned argument in which they organize and interpret relevant constitutional, legal, and historical information. I distributed the rubric in advance of the assignment, one day before the speech. The four criteria—context/position, thoroughness, documentation, and presentation—were discussed in some detail. I also preceded the assignment with discussions of the constitutional duties of the president and patterns and similarities in state of the union speeches, from Ford through Bush. I taped the speech, which students then watched. A few days later, I gave the students printed copies of the speech. They were given several days for individual research and writing; we spent a total of about 6 hours on the assignment, including homework.*
>
> *The assignment worked well for assessing the learning outcome in which I was interested. Naturally, some students have ample writing skills while others do not. The key to making this a more authentic assessment was the criteria and rubric presented to the students in advance. They knew exactly what was expected of them and the details for their performance, from minimal achievement to exemplary. I believe poorer writers did a much better job than usual with the task at hand.*
>
> *It's always difficult for me as a reader to draw the line between superior and exemplary achievement, but the line must be drawn somewhere. For the most part I was quite pleased with the criteria and rubric. I believe the scores/ratings are most reliable.*
>
> *In terms of students' responses to the task, while they complained about the length of the paper, they enjoyed the topic and its flexibility and were pleased with the end result. I actually believe students will watch more state of the union speeches as a result of taking part in this assignment.*

A sample essay by one of Greg's students is reproduced as Figure 7.7.

Rick Nagel, another project teacher, decided to adapt the scoring guide before using it in his tenth-grade law course with the third assignment in Figure 7.1 above. He collapsed the criteria into two categories—substantive and presentation—and included more specific criteria related to the particular assignment. He also reduced the number of performance levels from 5 to 4 (see Rick's scoring guide in Figure 7.8). He did retain the holistic aspect of the guide.



Morgan Moon
AP Government
Clevenger
February 4 1994

The State of the Union

Tuesday night, January 15, President Clinton answered "a question as old as the republic itself. What is the state of our Union?" His method was as old as the question he was asking. Clinton's constitutionally mandated address was very similar to most contemporary Presidents in that he reviewed the successes his administration had brought about and made goals for the future without a plan to accomplish them. However, one fact made Clinton's speech refreshing. The accomplishments and goals of his administration were concrete and necessary.

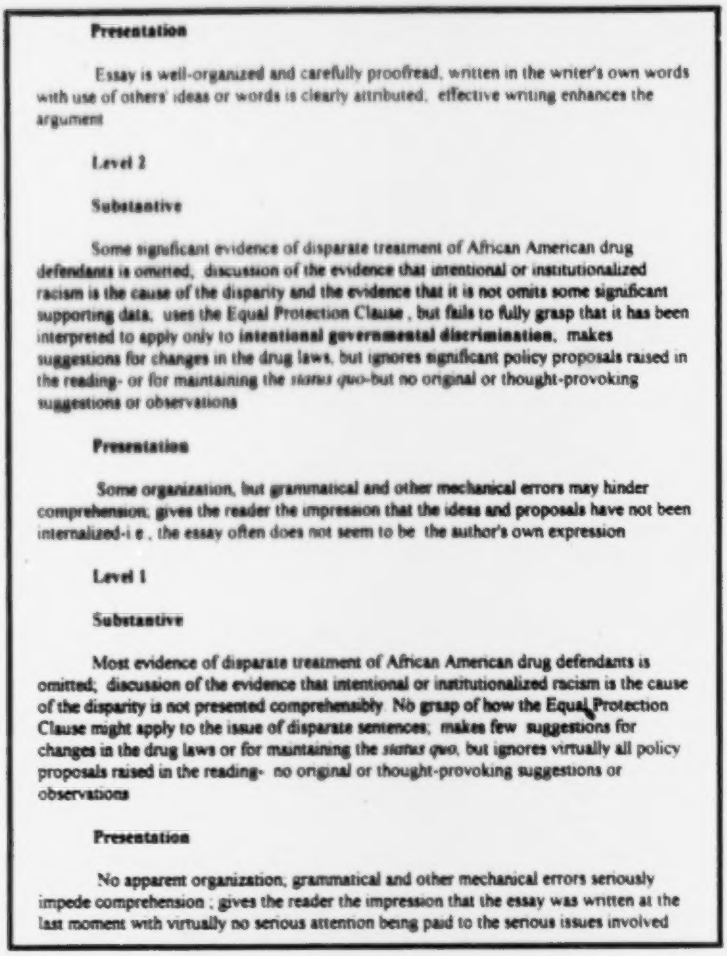
Accomplishments Clinton reviewed were impressive but not entirely his own. The North American Free Trade Agreement and the Brady Bill were products of the Bush and Reagan administrations but none the less Clinton was the legislator who got these bills passed in a formerly gridlocked Congress. Clinton's economic package, although altered by conservatives, was passed and has led to a resurgence in our economy. President Clinton made his controversial universal health care reform sound appealing, however, he still did not address how he was going to realistically pay for it. If he had done so he could have been able to comfort many of the plan's critics.

One refreshing aspect of this year's State of the Union was that President Clinton took time out of listing his accomplishments to identify those who have made a difference in the United States. He began with a tribute to the late Tip O'Neil for his contributions to this country and added that like Tip we should "always remember who we are, where we come from, and who sent us here." Another example was when he asked Congress to seriously consider his new crime bill he acknowledged officer Kevin Jett. Officer Jett patrols one of the toughest beats in Detroit and is making a difference. Clinton went on to acknowledge Jim Brady as an inspiration in voting the Brady Bill into law. Clinton's recognition of the effort Americans are making is important because it is Americans who raise children, fight crime, and determine the integrity of this nation. When the President skimmed over Health Care Reform he made sure to recognize Hillary for her tremendous work in research and planning. And many other Americans were recognized, though not by name, in the President's State of the Union address, that deserve to be recognized. Such as inner city religious leaders, community volunteers, and Americans abroad spreading the ideals of Democracy in the former Soviet Union. The Clinton Administration's acomplishments have positively impacted our society but so have the contributions of Americans that are working hard to revitalize this country. Clinton not only addressed his administrations accomplishments but he looked to the future with concrete ideas of how to make it brighter. Already discussed were his health care reform and welfare reform. He went on to plan more deficit reduction plans to complement his current sucessful plan. A plan which stopped a predicted $300 billion deficit and "because we acted, those same people now say the deficit is going to be under $180 billion--40 percent lower than was previosly predicted." He discussed funding for his "investment" agenda to create jobs. He was going to maintain a strong national defense to insure american leadership "in a world of changes so profound and rapid that all nations are tested." His plan to lead America in creating an information superhighway will create jobs, better education, and is the logical step when one looks at America as it moves along the three phases of progression: Agrarian, Industrial, and then Informational. Clinton kept true to his own words of not forgetting where you come from as he adressed the environmental problems in the world today. For example, he said "This year we will fight for a revitalized Clean Water Act and a Safe Drinking Water Act and a reformed Superfund program." On the international level Clinton looks to work on a ban of nuclear weapons testing, increase world trade, enact GATT, stabilize Haiti, and preserve democracy in Russia and newly independent states. These are fantastic goals and this country should circle behind them. That was why it was refreshing Clinton took the opportunity to reserve time in his speech for these goals and identify the bills he plans to put forth before Congress to achieve them.

Whether or not you agree with President Clinton's politics and proposals, the areas that he touched upon with need for improvement, everyone can agree with. He discussed his plans to totally restructure welfare and unemployment to promote and reward work and effort. His discussion of an impressive crime bill now before Congress was an intelligent use of this important speech to ask Congress to "reclaim our streets". However, Clinton like so many politicians, did not have strong words to say about national education. He said that his administration wanted to prepare today's children to compete in the global economy of tommorrow but gave few examples of how he was going to do this. He mentioned "choice and charters" which today seem like everyone's solution but that was as far as he went. Clinton did a fine job of setting [illegible] in areas that need to be addressed and it is now imperative that he does just that.

Ever since Woodrow Wilson renewed the tradition of a live address to Congress about the State of the Union, the address has been a tool used by Presidents in many similar ways. Reviewing political success, ignoring or diminishing problems, and gaining political support have resounded in many of these speeches. President Clinton's State of the Union address also was similar to past presidents. However, he also used this opportunity to call on Congress and the American people to perpetuate our resurgence as a country when he said "Let us not reserve the better angels only for natural disasters, leaving our deepest and most profound problems to petty political fighting. Let us instead be true to our spirit--facing facts, coming together, bringing hope and moving forward."

Figure 7.7. Sample essay.



Presentation

Essay is well-organized and carefully proofread, written in the writer's own words with use of others' ideas or words is clearly attributed, effective writing enhances the argument

Level 2

Substantive

Some significant evidence of disparate treatment of African American drug defendants is omitted, discussion of the evidence that intentional or institutionalized racism is the cause of the disparity and the evidence that it is not omits some significant supporting data, uses the Equal Protection Clause , but fails to fully grasp that it has been interpreted to apply only to **intentional governmental discrimination**, makes suggestions for changes in the drug laws, but ignores significant policy proposals raised in the reading- or for maintaining the *status quo*-but no original or thought-provoking suggestions or observations

Presentation

Some organization, but grammatical and other mechanical errors may hinder comprehension; gives the reader the impression that the ideas and proposals have not been internalized-i.e., the essay often does not seem to be the author's own expression

Level 1

Substantive

Most evidence of disparate treatment of African American drug defendants is omitted; discussion of the evidence that intentional or institutionalized racism is the cause of the disparity is not presented comprehensibly. No grasp of how the Equal Protection Clause might apply to the issue of disparate sentences; makes few suggestions for changes in the drug laws or for maintaining the *status quo*, but ignores virtually all policy proposals raised in the reading- no original or thought-provoking suggestions or observations

Presentation

No apparent organization; grammatical and other mechanical errors seriously impede comprehension ; gives the reader the impression that the essay was written at the last moment with virtually no serious attention being paid to the serious issues involved

Figure 7.8. Essay rubric tailored for a specific assignment.

Rick's goal was to evaluate students' analytical and writing skills, as well as their understanding of the requirements of proving discrimination under the Fourteenth Amendment. The rubric was distributed and discussed in advance, a practice Rick's students have come to appreciate.

Rick felt that student interest in the assignment was high and that the scores were reliable. Even though Rick did adapt the rubric to make it more task-specific, he felt that more specificity would have been beneficial to students, particularly because this was the first writing task for which they had received a rubric beforehand. Yet Rick recognized the problem of providing so much detail in the rubric that students did not have to do their own thinking.

Yet another writing rubric was developed by Jackie Johnson. Jackie wanted a rubric that would work for a particular assignment—a reflective essay written by students after participating in a service learning experi-

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ence. To provide students with a model of the style of writing to be produced, Jackie compared the product to be produced to the "My Turn" essays that appear in ***Newsweek.*** She also described for students specific ways in which this piece would differ from other occasion/position papers they had written. The rubric Jackie developed also reflected those differences, both in including a "Personal Impact on You" criterion and through modifications in the "Style, Grammar, Mechanics" criterion. Jackie's rubric also differs from those used by Greg and Rick in that it is a trait-specific rubric, rather than a wholistic rubric. Thus, each student received four ratings on the essay, using the performance levels employed by Jackie's district (see assignment and rubric in Figure 7.9).

Reflection/Exercise

Examine the three rubrics for scoring essays. What are the strengths of each rubric? How would you improve each rubric? Choose a writing prompt that you have used and decide which of the rubrics might be best suited to assessing this task. How might you adapt the rubric for this purpose? Would you use the rubric holistically, or would you provide separate scores on each criterion?

Assessing Legal Writing

Cynthia Grove of Troy High School in Michigan uses the IRAC model to structure her students' writing on legal issues. Rather than simply assigning the writing of a legal opinion, she asks students to use the IRAC model to shape their opinions. She provides instruction in the use of the model, plus samples and descriptions of levels of performance, before asking students to employ the model. Cynthia describes four levels of performance for each segment of the IRAC and scores each portion separately. The criteria relate only to the substantive information and its use in the analysis, not to writing skills.

For example, for the analysis section of the case study analysis, Cynthia describes the levels of performance as follows:

3—Makes convincing legal arguments for each element of the law mentioned above and omits all unrelated nonlegal arguments; shows knowledge of the other side's argument and refutes it without ruling on the issue.

2—Makes legal arguments for each element of the law and supports them with facts from the case.

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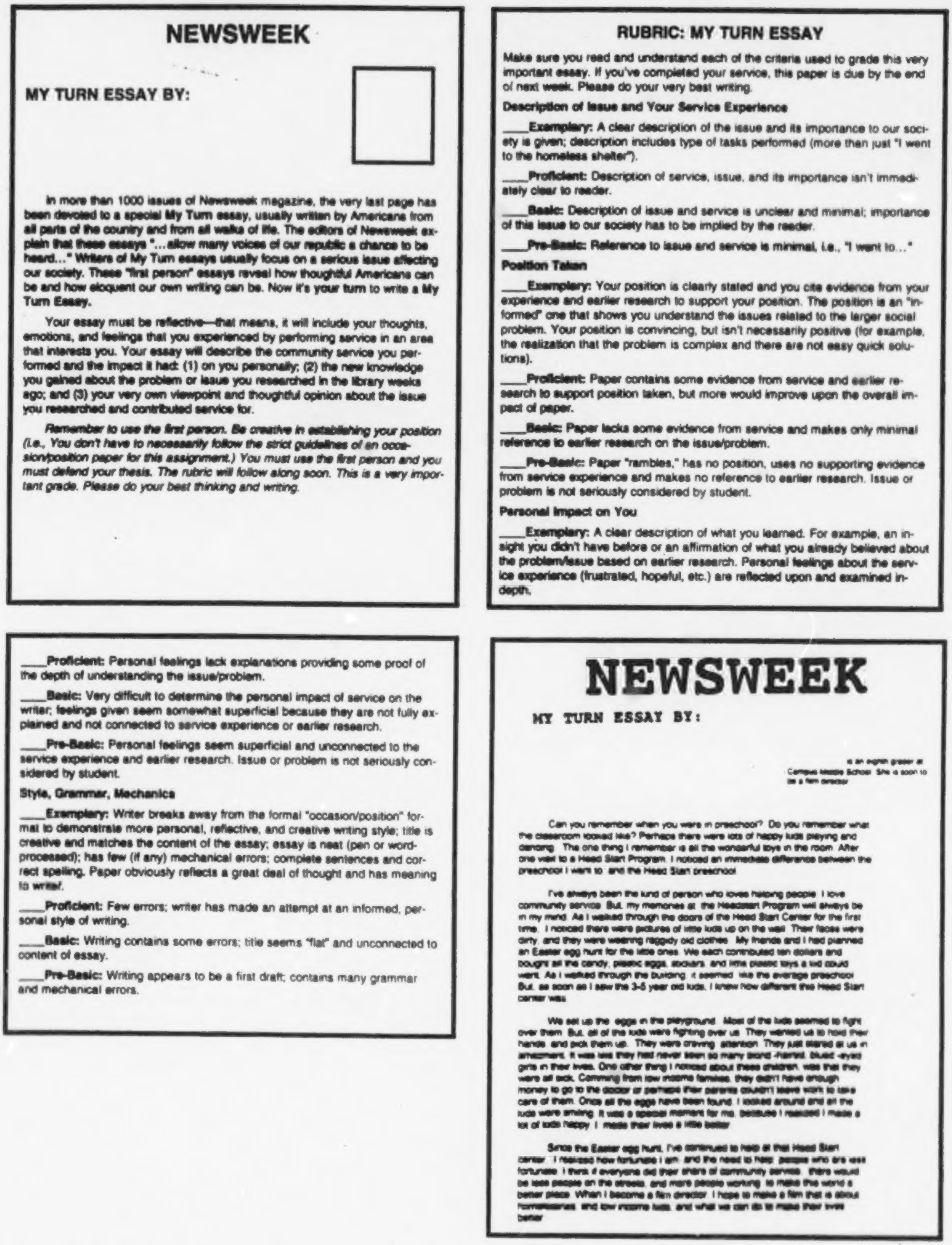

NEWSWEEK

MY TURN ESSAY BY:

In more than 1000 issues of Newsweek magazine, the very last page has been devoted to a special **My Turn** essay, usually written by Americans from all parts of the country and from all walks of life. The editors of Newsweek explain that these essays "...allow many voices of our republic a chance to be heard..." Writers of My Turn essays usually focus on a serious issue affecting our society. These "first person" essays reveal how thoughtful Americans can be and how eloquent our own writing can be. Now it's your turn to write a My Turn Essay.

Your essay must be reflective—that means, it will include your thoughts, emotions, and feelings that you experienced by performing service in an area that interests you. Your essay will describe the community service you performed and the impact it had: (1) on you personally; (2) the new knowledge you gained about the problem or issue you researched in the library weeks ago; and (3) your very own viewpoint and thoughtful opinion about the issue you researched and contributed service for.

Remember to use the first person. Be creative in establishing your position (i.e., You don't have to necessarily follow the strict guidelines of an occasion/position paper for this assignment.) You must use the first person and you must defend your thesis. The rubric will follow along soon. This is a very important grade. Please do your best thinking and writing.

RUBRIC: MY TURN ESSAY

Make sure you read and understand each of the criteria used to grade this very important essay. If you've completed your service, this paper is due by the end of next week. Please do your very best writing.

Description of Issue and Your Service Experience

____**Exemplary:** A clear description of the issue and its importance to our society is given; description includes type of tasks performed (more than just "I went to the homeless shelter").

____**Proficient:** Description of service, issue, and its importance isn't immediately clear to reader.

____**Basic:** Description of issue and service is unclear and minimal; importance of this issue to our society has to be implied by the reader.

____**Pre-Basic:** Reference to issue and service is minimal, i.e., "I went to..."

Position Taken

____**Exemplary:** Your position is clearly stated and you cite evidence from your experience and earlier research to support your position. The position is an "informed" one that shows you understand the issues related to the larger social problem. Your position is convincing, but isn't necessarily positive (for example, the realization that the problem is complex and there are not easy quick solutions).

____**Proficient:** Paper contains some evidence from service and earlier research to support position taken, but more would improve upon the overall impact of paper.

____**Basic:** Paper lacks some evidence from service and makes only minimal reference to earlier research on the issue/problem.

____**Pre-Basic:** Paper "rambles," has no position, uses no supporting evidence from service experience and makes no reference to earlier research. Issue or problem is not seriously considered by student.

Personal Impact on You

____**Exemplary:** A clear description of what you learned. For example, an insight you didn't have before or an affirmation of what you already believed about the problem/issue based on earlier research. Personal feelings about the service experience (frustrated, hopeful, etc.) are reflected upon and examined in-depth.

____**Proficient:** Personal feelings lack explanations providing some proof of the depth of understanding the issue/problem.

____**Basic:** Very difficult to determine the personal impact of service on the writer; feelings given seem somewhat superficial because they are not fully explained and not connected to service experience or earlier research.

____**Pre-Basic:** Personal feelings seem superficial and unconnected to the service experience and earlier research. Issue or problem is not seriously considered by student.

Style, Grammar, Mechanics

____**Exemplary:** Writer breaks away from the formal "occasion/position" format to demonstrate more personal, reflective, and creative writing style; title is creative and matches the content of the essay; essay is neat (pen or word-processed); has few (if any) mechanical errors; complete sentences and correct spelling. Paper obviously reflects a great deal of thought and has meaning to writer.

____**Proficient:** Few errors; writer has made an attempt at an informed, personal style of writing.

____**Basic:** Writing contains some errors; title seems "flat" and unconnected to content of essay.

____**Pre-Basic:** Writing appears to be a first draft; contains many grammar and mechanical errors.

NEWSWEEK

MY TURN ESSAY BY:

is an eighth grader at
Campus Middle School. She is soon to
be a film director

Can you remember when you were in preschool? Do you remember what the classroom looked like? Perhaps there were lots of happy kids playing and dancing. The one thing I remember is all the wonderful toys in the room. After one visit to a Head Start Program, I noticed an immediate difference between the preschool I went to and the Head Start preschool.

I've always been the kind of person who loves helping people. I love community service. But, my memories at the Headstart Program will always be in my mind. As I walked through the doors of the Head Start Center for the first time, I noticed there were pictures of little kids up on the wall. Their faces were dirty, and they were wearing raggedy old clothes. My friends and I had planned an Easter egg hunt for the little ones. We each contributed ten dollars and bought all the candy, plastic eggs, stickers, and little plastic toys a kid could want. As I walked through the building, it seemed like the average preschool. But, as soon as I saw the 3-5 year old kids, I knew how different this Head Start center was.

We set up the eggs in the playground. Most of the kids seemed to fight over them. But, all of the kids were fighting over us. They wanted us to hold their hands and pick them up. They were craving attention. They just stared at us in amazement. It was like they had never seen so many blond-haired, blued-eyed girls in their lives. One other thing I noticed about these children, was that they were all sick. Comming from low income families, they didn't have enough money to go to the doctor or perhaps their parents couldn't leave work to take care of them. Once all the eggs have been found, I looked around and all the kids were smiling. It was a special moment for me, because I realized I made a lot of kids happy. I made their lives a little better.

Since the Easter egg hunt, I've continued to help at that Head Start center. I realized how fortunate I am and the need to help people who are less fortunate. I think if everyone did their share of community service, there would be less people on the streets, and more people working to make this world a better place. When I become a film director, I hope to make a film that is about homelessness, and low income kids, and what we can do to make their lives better.

Figure 7.9. "My Turn" assignment, rubric, and sample essay.

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1—Makes a legal argument.

0—Makes no legal argument.

Cynthia also gives each section of the analysis a weight. For example, the analysis score is multiplied times 3 before being added to the scores for the other three portions of the analysis.

Another use of legal writing discussed earlier was preparation of briefs in moot court simulations. Nancy Deese, whose moot court activity was described in Chapter 6, has used brief-writing as an essential element of such simulations. Figure 7.10 provides a sample student-prepared brief.

Reflection/Exercise

Nancy has identified the following criteria for lawyer briefs:

Sentence Structure and Grammar: General Mechanics, Clear Meaning, Legal Language

Argumentation: Logical Progression of Arguments, Strength of Case, Use of Support/Precedent, General Understanding of Court and Case.

Form: Organization Plain and Understandable, Distinct Sectioning of Issues, Clear, Concise Introduction.

How would you define levels of performance for each criterion? What would students need to know to progress to the next level?

Assessing Correspondence

Kent Wellmann and Dorotha Ekx, a social studies/language arts team teaching an integrated American studies course at Longmont High School in Longmont, Colorado, decided to place major emphasis on students' "going public" with their writing. Because they had a rubric format that students were familiar with and with which Kent and Dortha felt comfortable, they developed a rubric for scoring public presentations in their own format. The rubric included separate scores for use of facts and resources, arguments and reasoning, style and audience, and due dates and preparation sheets. The scores on the four criteria were weighted to show the importance Kent and Dortha gave to each criterion (see Figure 7.11 for rubric and assignment sheet).

Here is how Kent and Dorotha describe their "Going Public" writing experience:

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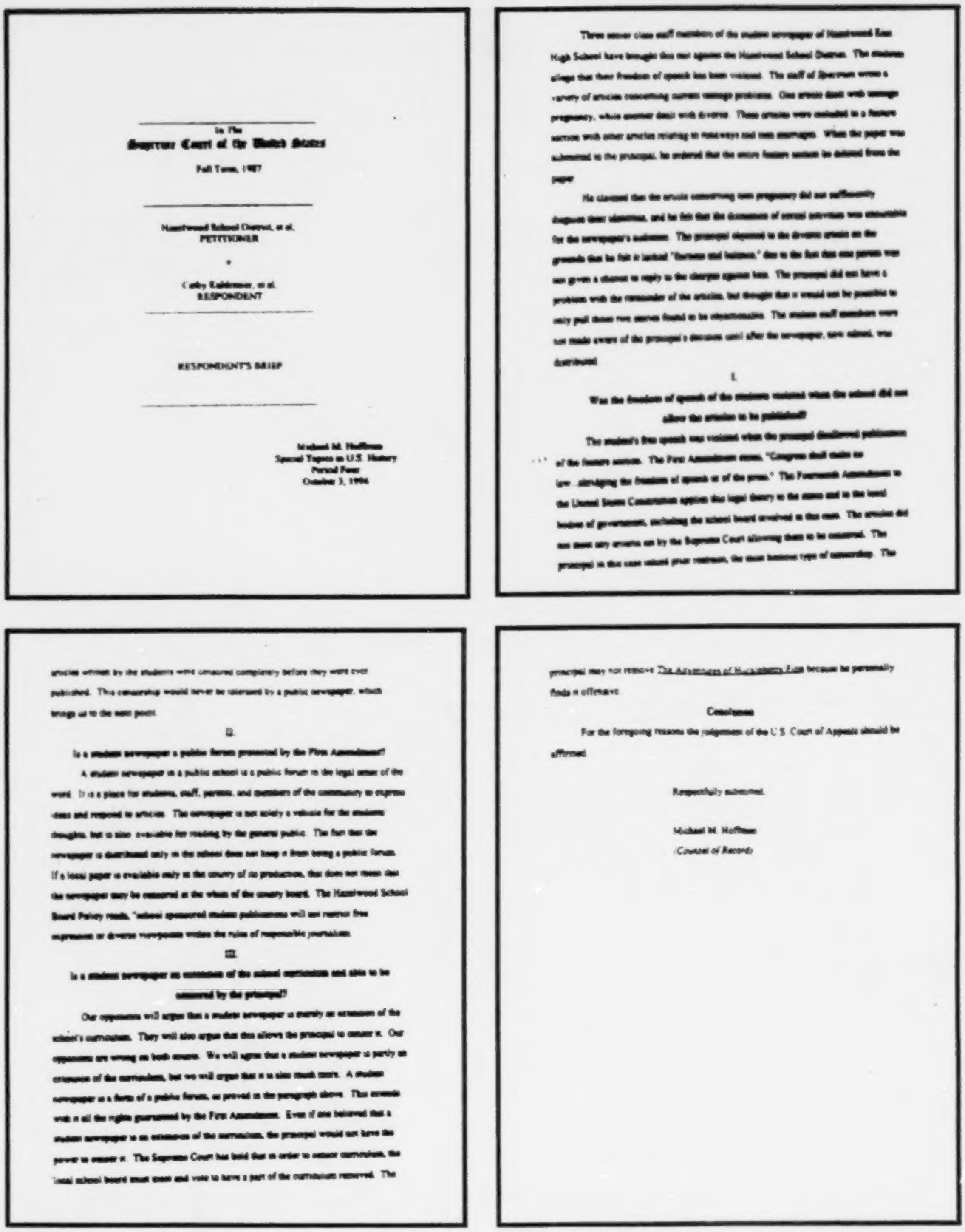


In The
Supreme Court of the United States
Fall Term, 1987

Hazelwood School District, et al.
PETITIONER

v.

Cathy Kuhlmeier, et al.
RESPONDENT

RESPONDENT'S BRIEF

Michael M. Hoffman
Special Topics in U.S. History
Period Four
October 3, 1994

Three senior class staff members of the student newspaper of Hazelwood East High School have brought this suit against the Hazelwood School District. The students allege that their freedom of speech has been violated. The staff of *Spectrum* wrote a variety of articles concerning current teenage problems. One article dealt with teenage pregnancy, while another dealt with divorce. These articles were included in a feature section with other articles relating to runaways and teen marriages. When the paper was submitted to the principal, he ordered that the entire feature section be deleted from the paper.

He claimed that the article concerning teen pregnancy did not sufficiently disguise their identities, and he felt that the discussion of sexual activities was unsuitable for the newspaper's audience. The principal objected to the divorce article on the grounds that he felt it lacked "fairness and balance," due to the fact that one parent was not given a chance to reply to the charges against him. The principal did not have a problem with the remainder of the articles, but thought that it would not be possible to only pull those two stories found to be objectionable. The student staff members were not made aware of the principal's decision until after the newspaper, now edited, was distributed.

I.

Was the freedom of speech of the students violated when the school did not allow the articles to be published?

The student's free speech was violated when the principal disallowed publication of the feature section. The First Amendment states, "Congress shall make no law ...abridging the freedom of speech or of the press." The Fourteenth Amendment to the United States Constitution applies this legal theory to the states and to the local bodies of government, including the school board involved in this case. The articles did not meet any criteria set by the Supreme Court allowing them to be censored. The principal in this case issued prior restraint, the most heinous type of censorship. The articles written by the students were censored completely before they were ever published. This censorship would never be tolerated by a public newspaper, which brings us to the next point.

II.

Is a student newspaper a public forum protected by the First Amendment?

A student newspaper in a public school is a public forum in the legal sense of the word. It is a place for students, staff, parents, and members of the community to express ideas and respond to articles. The newspaper is not solely a vehicle for the students' thoughts, but is also available for reading by the general public. The fact that the newspaper is distributed only in the school does not keep it from being a public forum. If a local paper is available only in the county of its production, that does not mean that the newspaper may be censored at the whim of the county board. The Hazelwood School Board Policy reads, "school sponsored student publications will not restrict free expression or diverse viewpoints within the rules of responsible journalism.

III.

Is a student newspaper an extension of the school curriculum and able to be censored by the principal?

Our opponents will argue that a student newspaper is merely an extension of the school's curriculum. They will also argue that this allows the principal to censor it. Our opponents are wrong on both counts. We will agree that a student newspaper is partly an extension of the curriculum, but we will argue that it is also much more. A student newspaper is a form of a public forum, as proved in the paragraph above. This extends with it all the rights guaranteed by the First Amendment. Even if one believed that a student newspaper is an extension of the curriculum, the principal would not have the power to censor it. The Supreme Court has held that in order to censor curriculum, the local school board must meet and vote to have a part of the curriculum removed. The principal may not remove _The Adventures of Huckleberry Finn_ because he personally finds it offensive.

Conclusion

For the foregoing reasons the judgement of the U.S. Court of Appeals should be affirmed.

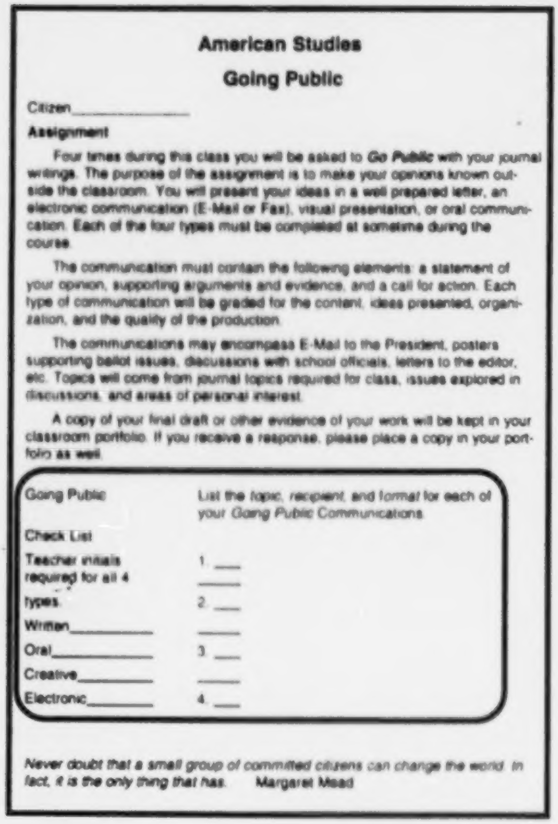
Respectfully submitted,

Michael M. Hoffman
(Counsel of Record)

Figure 7.10. Sample student-prepared brief.

"Going Public" is a culminating experience at the end of four different units in an integrated U.S. History and American Literature/Composition Class we call American Studies. An overriding theme of our course is that "words have power" and that students need to develop their powers to influence others through expression of opinions in well organized, logical ways. The basic idea behind "Going Public" is for students to share their work, ideas, and opinions with a real audience. It combines two essential goals: participatory citizenship from social studies and effective communication skills from language arts.

All of our units have a similar structure. The central organizing concept is an assessment... that enables students to display what they have learned. A typical unit flows from introduction of the unit, activities, assessment, and criteria; to information gathering and processing; to preparation of assessment products; to revision and final production; to evaluation. Each assessment has an assignment sheet detailing the product or performance; a prep sheet used to assist students in organizing themselves for the assessment; and a grade sheet with criteria.



American Studies

Going Public

Citizen_______________

Assignment

Four times during this class you will be asked to *Go Public* with your journal writings. The purpose of the assignment is to make your opinions known outside the classroom. You will present your ideas in a well prepared letter, an electronic communication (E-Mail or Fax), visual presentation, or oral communication. Each of the four types must be completed at sometime during the course.

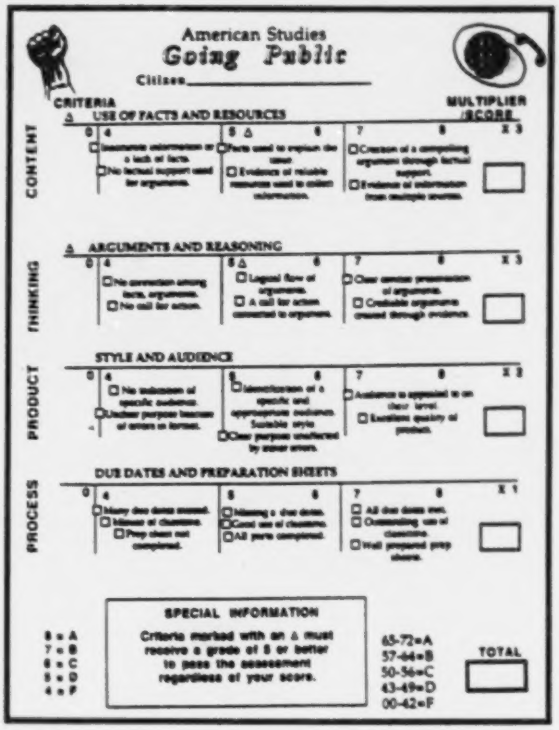
The communication must contain the following elements: a statement of your opinion, supporting arguments and evidence, and a call for action. Each type of communication will be graded for the content, ideas presented, organization, and the quality of the production.

The communications may encompass E-Mail to the President, posters supporting ballot issues, discussions with school officials, letters to the editor, etc. Topics will come from journal topics required for class, issues explored in discussions, and areas of personal interest.

A copy of your final draft or other evidence of your work will be kept in your classroom portfolio. If you receive a response, please place a copy in your portfolio as well.

Going Public	List the *topic, recipient,* and *format* for each of your *Going Public* Communications
Check List	
Teacher initials required for all 4 types.	1. ___ _____
	2. ___
Written__________	_____
Oral____________	3. ___
Creative__________	_____
Electronic________	4. ___

Never doubt that a small group of committed citizens can change the world. In fact, it is the only thing that has. Margaret Mead



American Studies

Going Public

Citizen________________________

CRITERIA		0	4	5 – 6	7 – 8	MULTIPLIER /SCORE
CONTENT	Δ USE OF FACTS AND RESOURCES	0	☐ Inaccurate information or a lack of facts. ☐ No factual support used for arguments.	5 Δ 6 ☐ Facts used to explain the issue. ☐ Evidence of reliable resources used to collect information.	7 8 ☐ Creation of a compelling argument through factual support. ☐ Evidence of information from multiple sources.	X 3 ☐
THINKING	Δ ARGUMENTS AND REASONING	0	☐ No connection among facts, arguments. ☐ No call for action.	5 Δ 6 ☐ Logical flow of arguments. ☐ A call for action connected to argument.	7 8 ☐ Clear concise presentation of arguments. ☐ Credible arguments created through evidence.	X 3 ☐
PRODUCT	STYLE AND AUDIENCE	0	☐ No indication of specific audience. ☐ Unclear purpose because of errors in format.	5 6 ☐ Identification of a specific and appropriate audience. Suitable style. ☐ Clear purpose unaffected by minor errors.	7 8 ☐ Audience is appealed to on their level. ☐ Excellent quality of product.	X 3 ☐
PROCESS	DUE DATES AND PREPARATION SHEETS	0	☐ Many due dates missed. ☐ Misuse of checklists. ☐ Prep sheet not completed.	5 6 ☐ Missing a due date. ☐ Good use of checklists. ☐ All parts completed.	7 8 ☐ All due dates met. ☐ Outstanding use of checklists. ☐ Well prepared prep sheets.	X 1 ☐

8 = A
7 = B
6 = C
5 = D
4 = F

SPECIAL INFORMATION

Criteria marked with an Δ must receive a grade of 5 or better to pass the assessment regardless of your score.

65-72=A
57-64=B
50-56=C
43-49=D
00-42=F

TOTAL ☐

Figure 7.11. Going Public assessment task and rubric.

The scoring rubric also remains similar for all units and assessments. We look for four kinds of evidence of student learning:

- *Content—the knowledge and use of factual information.*
- *Thinking—various forms of higher level thinking and/or application of concepts.*
- *Product—the quality of the final product, be it written, verbal, or creative.*
- *Process—making due dates, completing the various pieces of the assessment.*

We describe on the rubric, in each of the categories, three levels of performance: unattained (F or 4 out of 8 points for an honest effort), attained (D or C, 5 or 6 out of 8 points), and proficient (B or A, 7 or 8 out of 8 points). Students can then choose which level of performance they wish to work towards. In addition, we often will adapt the criteria with the assistance of the special education teacher to meet the needs as expressed on a student's IEP. Some criteria, usually the content and thinking pieces, are designated as critical and require a score of attained in order to pass the assessment. Students must perform at a certain level to pass rather than simply acquire enough total points to pass. Each of the assessments is designed to be challenging at a variety of levels. All students, ranging from high achievers to mainstreamed special needs students, can fulfill the same product requirements but with varying degrees of complexity.

During the student preparation process, students have mini-conferences with the teachers and other students... Teachers encourage students to revise and redo their communications numerous times.

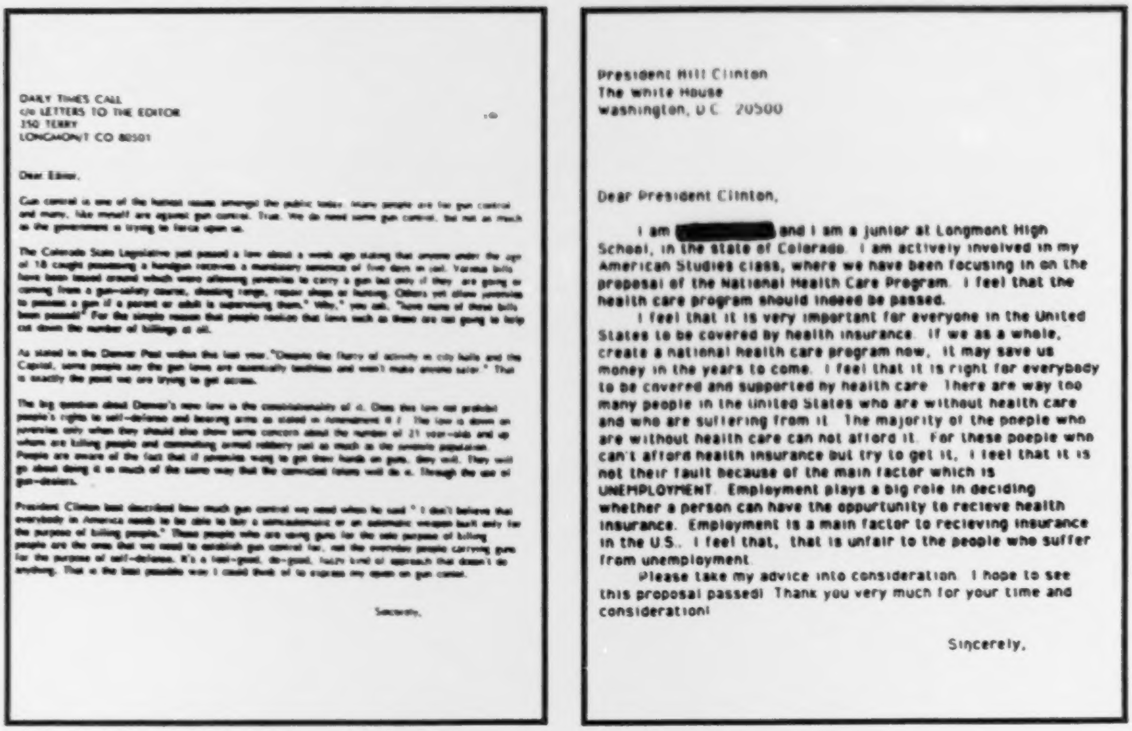
With each unit of study, students are required to express in journal writing their opinions on relevant current problems. From this reflection or from topics discussed in greater detail in class, individuals select a topic for which they have developed a logical and factual-based opinion. They are then to select an appropriate audience and present their supported opinion or argument.

At the beginning of each springboard unit, the instructors introduce the nature of the "Going Public" assessment that will be a focus for the unit. Each time the students are asked by a prompt to write in journals, the teachers again tie into the idea of expressing opinions and offering solutions in a public forum.

At the completion of the springboard unit, the teachers act as advisors and resources for students as they select issues for public presentation and compile additional facts and data to support their oral or written "Going Public" product.

During the student preparation process, students have mini-conferences with the teachers and other students who act as editors and quality controllers. Teachers encourage students to revise and redo their communications numerous times.

When students submit the communication for evaluation, the teachers use the grading sheet with specific criteria as a tool for measuring



DAILY TIMES CALL
c/o LETTERS TO THE EDITOR
350 TERRY
LONGMONT CO 80501

Dear Editor,

Sincerely,

President Bill Clinton
The White House
Washington, D.C. 20500

Dear President Clinton,

I am [redacted] and I am a junior at Longmont High School, in the state of Colorado. I am actively involved in my American Studies class, where we have been focusing in on the proposal of the National Health Care Program. I feel that the health care program should indeed be passed.

I feel that it is very important for everyone in the United States to be covered by health insurance. If we as a whole, create a national health care program now, it may save us money in the years to come. I feel that it is right for everybody to be covered and supported by health care. There are way too many people in the United States who are without health care and who are suffering from it. The majority of the poeple who are without health care can not afford it. For these poeple who can't afford health insurance but try to get it, I feel that it is not their fault because of the main factor which is UNEMPLOYMENT. Employment plays a big role in deciding whether a person can have the oppurtunity to recieve health insurance. Employment is a main factor to recieving insurance in the U.S.. I feel that, that is unfair to the people who suffer from unemployment.

Please take my advice into consideration. I hope to see this proposal passed! Thank you very much for your time and consideration!

Sincerely,

Figure 7.12. Sample Going Public products.

the quality and effectiveness of the product. This sheet makes grading more consistent, prescriptive, and meaningful for students while making the evaluative process simpler and quicker for the teachers.

The "Going Public" assessments and American Studies course are works in progress. We firmly believe that the structure and ideas behind the unit and course are examples of sound educational practices even including their first-year warts. "Going Public," its springboard units, and related learning activities represented powerful learning experiences for our students this year.

Receiving a letter from a public figure is an impressive event. A positive result was the mail students received from their selected audiences about their "Going Public" letters. Their voices were heard and responses were sent by a variety of people! Students got responses from President Clinton, our U.S. Senator and Representative, state representatives, and, in a particularly interesting case, a local doctor. One of our students chose to write to his doctor concerning the national health care issue. The doctor took the time to write a single-spaced, two-page explanation of his position on the issue, responding personally to the student's concerns and ideas and offering more food for thought.... Even today, months after the experience, we have individuals running into the room to let us know they received responses.

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Some Possible Pitfalls in Using Writing Assessments

According to Greg Clevenger, a major pitfall is the time required to read and score essays: "Scoring a student performance on an essay as long as this one is a laborious task. One must burn the midnight oil." One way of addressing this problem may be to use a simpler checklist for assessing some assignments. Students still get the multiple opportunities to practice writing that they need, but scoring will take less time. Examples of checklists are provided in Figure 7.13.

Another possibility is to stagger the due dates of students' work, so that you do not have to read and mark all the papers at the same time. While this strategy will not reduce your overall time commitment, it will spread the time out over a longer period and thus, perhaps, make the task more manageable. If the writing assignment is one that requires students to do library research, this strategy can also reduce the competition for library resources, another possible pitfall of using writing as an assessment in civic education.

As with all tasks that require large amounts of teacher time, you must balance the costs and the benefits. Note that while Greg did mention the time problem, he concluded by saying: "The end result is one to be proud of."

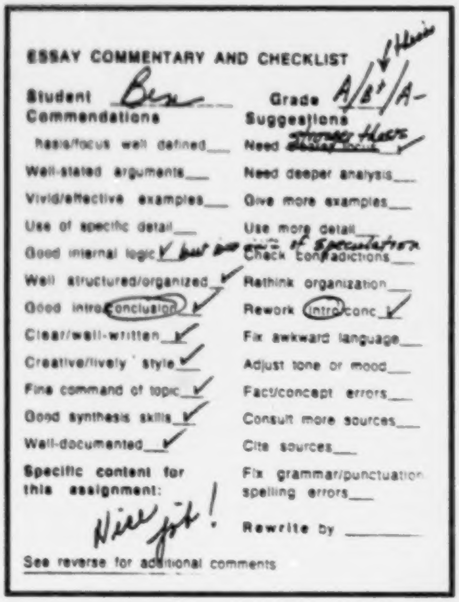
Our observations indicate that some teachers find it hard to stick with the criteria/rubric. When a person has been scoring essays one way for a number of years, it's hard to change. We noted that teachers often provide feedback unrelated to any of the criteria and mark/weight things in ways that don't seem related to the rubric. This pitfall may simply represent the same phenomenon teachers observe the first time students try a particular performance—practice is needed in order for students to perform well. The holistic nature of the essay scoring guides may be a factor contributing to this problem.

When teachers are first using a rubric to score student writing, they may find it helpful to score each trait or characteristic separately. This will require them to look specifically at each area—thoroughness, documentation, etc.—as they score the papers, thus increasing the likelihood of providing feedback that will help students improve performance. Some teachers may also find it helpful to use a strategy employed by the College Board when preparing scoring guidelines for their readers. For readers of document-based questions, for example, they provide not only scoring criteria and sample essays, annotated to explain their scores, but a list of relevant factual information and annotations on each document available to students. While teachers undoubtedly have an informal "list" of the relevant legal/constitutional issues they want students to mention in their heads, they may find that actually listing this information helps them use the rubric more constructively.

Another problem we noted in observing teachers' use of the rubrics is that because the use of rubrics is relatively new to them, they tend to attribute problems with student performance to the rubric. It is important for teachers to remember that, as with all evaluations, the results can also be indicative of problems with instruction. For example, while one teacher attributed students' lack of specific arguments about the Fourteenth Amendment to lack of specificity in the rubric, it may have been due to insufficient understanding of the Fourteenth Amendment and/or lack of knowledge about how to find relevant information about the amendment.

The Arizona State Department of Education Assessment Unit has developed a guide to help teachers in that state use the reading and writing assessments. In the guide, a number of pieces of writing are presented, with scores, annotations related to the scores, and suggestions for instructional strategies to assist students in improving their performance. The annotations identify the reasons for the particular score given and the suggestions provide ideas for addressing any problems noted. For example, a paper that received a score of 2 (on a four-point rubric) was annotated in the following fashion

Annotation: There is some, but limited, evidence of understanding the reading selection. The student statements are somewhat related to the topic...but the student was unable to support the topic with clear

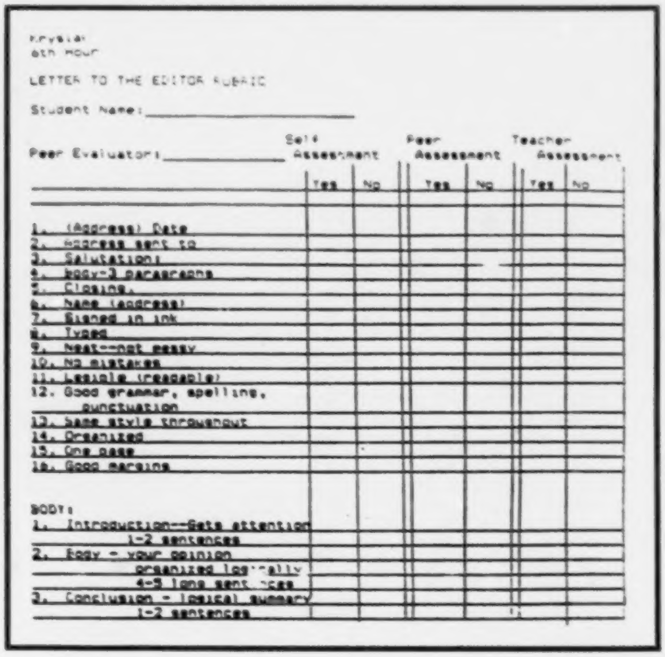


ESSAY COMMENTARY AND CHECKLIST ↓ thesis

Student Ben **Grade** A/B+/A-

Commendations	**Suggestions**
hesis/focus well defined___	Need ~~[illegible]~~ stronger thesis ✓
Well-stated arguments___	Need deeper analysis___
Vivid/effective examples___	Give more examples___
Use of specific detail___	Use more detail___
Good internal logic ✓ but [illegible] of speculation	Check contradictions___
Well structured/organized ✓	Rethink organization___
Good intro/[✓ conclusion] ✓	Rework [✓ intro]/conc ✓
Clear/well-written ✓	Fix awkward language___
Creative/lively style ✓	Adjust tone or mood___
Fine command of topic ✓	Fact/concept errors___
Good synthesis skills ✓	Consult more sources___
Well-documented ✓	Cite sources___
Specific content for this assignment: Nice job!	Fix grammar/punctuation spelling errors___
	Rewrite by ________

See reverse for additional comments



Krystal
6th Hour

LETTER TO THE EDITOR RUBRIC

Student Name: ______________________

Peer Evaluator: ____________	Self Assessment		Peer Assessment		Teacher Assessment	
	Yes	No	Yes	No	Yes	No
1. (Address) Date						
2. Address sent to						
3. Salutation:						
4. Body-3 paragraphs						
5. Closing.						
6. Name (address)						
7. Signed in ink						
8. Typed						
9. Neat--not messy						
10. No mistakes						
11. Legible (readable)						
12. Good grammar, spelling, punctuation						
13. Same style throughout						
14. Organized						
15. One page						
16. Good margins						
BODY:						
1. Introduction--Gets attention 1-2 sentences						
2. Body - your opinion organized logically 4-5 long sentences						
3. Conclusion - logical summary 1-2 sentences						

Figure 7.13. Sample Checklists.

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examples...The statements are unfocused...Few elements of the question are addressed.

Instructional Strategies to Consider: Teacher modeling of verbal thinking and paraphrasing would help this student. Student-teacher dialogue would also be helpful: e.g., "What do you know?" "What do you need to know?...Additional help should be given in analyzing questions as part of the process of responding to them.

Using a process similar to this could be helpful to individual teachers and their students. The annotations would be helpful to the students in understanding their score; in addition, the annotations could be scanned to see if similar problems are occurring in the work of a number of students, suggesting that reteaching or presentation of material in a different manner may be necessary. In addition, by noting ideas for addressing problems through instruction, the teacher can develop specific strategies for helping individual students improve their performance.

Reflection/Exercise

Select one of the student writing samples presented in this chapter. Score the sample using the appropriate rubric. What feedback might you give the student to help him/her improve performance? What suggestions for instruction might you give the teacher to help him/her address the problems you found in the student work?

Use the same process to assess a writing assignment you have given students. Are there any patterns in your feedback that suggest the need to reteach an important concept or skill? Can you identify specific ways to help individual students improve their performance?

Chapter 8: Assessing Student-Created Products or Projects

What is a student-created product or project? The types of assignments that fall into this category are highly varied, including videos, brochures, posters, bulletin board displays, timelines, political cartoons, songs or raps, museum displays, public opinion polls, and the like. The products may include writing, but also present student thinking through visuals, realia, or music.

Creation of some products represents authentic work because many students will, as adults, be expected to communicate ideas through such products, either in the course of their work or as citizens. For example, as a member of a special-interest group, the student might be called upon to create a brochure, poster, or video advocating a position on an issue. In addition, students will receive a great deal of information through such sources and should therefore be prepared to be savvy consumers of videos, political cartoons, and other forms of communication that combine words and images.

Creating other kinds of products is authentic work because creation of the product requires students to use information in the way that scholars in the discipline use it. For example, in creating a historical museum display, students must think like historians and/or anthropologists. In conducting a poll and analyzing its results, students must think like sociologists or demographers.

In most, if not all, cases, products can reach an audience beyond the classroom—whether by inviting other classes or parents to view the products, submitting products to journals or newspapers for possible publication, or through final presentations to government bodies. The presence of a "real-life" audience is an important element of authenticity.

In addition, the product or project assignment offers students who work better in media other than writing to perform better. Most traditional assessments do not take such variances in student ability into account. Thus, a product-based assessment can provide for more equity in the assessment process.

Indeed, many social studies educators have assigned projects or products, but the products have often not been assessed or have been assessed using very loosely defined criteria. For the teachers in our project who have tried it, the process of developing more explicit criteria for evaluating products has not been an easy one. The process has often revealed that teachers themselves did not have a clear idea of how complex thinking might be revealed in the products assigned; in addition, they often realized that they provided very little or no instruction in the skills needed to create the product.

As of this writing, we have a limited number of samples of projects or products for which rubrics have been created. We encourage readers of this handbook to experiment with rubrics for products and projects and to send them to us to share with other teachers via later drafts of the handbook.

Posters

Jackie Johnson's poster lesson and rubric, described in Chapter 3, were presented at several teacher-training workshops conducted by project director Barbara Miller. Barb displayed student posters and asked participants to score the posters using the rubrics. Teachers then worked in small groups to compare and discuss their scores. Following this small-group work, the entire group discussed the experience and how they might adapt the rubric and assignment to meet their own instructional goals.

Following a workshop in Colorado, three teachers decided to pilot poster assessments in their classes. Two of the teachers assigned posters related to the Bill of Rights and used Jackie's rubric with minor adjustments. One teacher's students worked in groups, with each group focusing on a particular amendment. While the posters were visually attractive, the content/thinking aspects were not well presented. The second teacher, whose assignment was similar, made a telling observation about the work his students produced. "I was happy with the results," he said, "for a first attempt."

The third Colorado teacher was also dissatisfied with her first attempt to use a poster, but took much of the responsibility herself. Before assigning the second poster, she carefully reworked her instructions and the rubric (see Figure 8.1 for her adaptation of the rubric). The second poster assignment, which asked students to create posters on individual pieces of New Deal legislation, produced more satisfactory results.

The experiences of these three Colorado teachers reinforce the idea that students (and perhaps teachers as well) need practice with a particular strategy before that type of product is used as an assessment. Thus, one or more instructional activities in which students create posters and receive extensive feedback and coaching from the teacher would be important precursors to a poster assessment. Teachers may also find it useful to begin with a more structured assignment, such as the one shown in Figure 8.2, before giving a more open-ended poster assignment.

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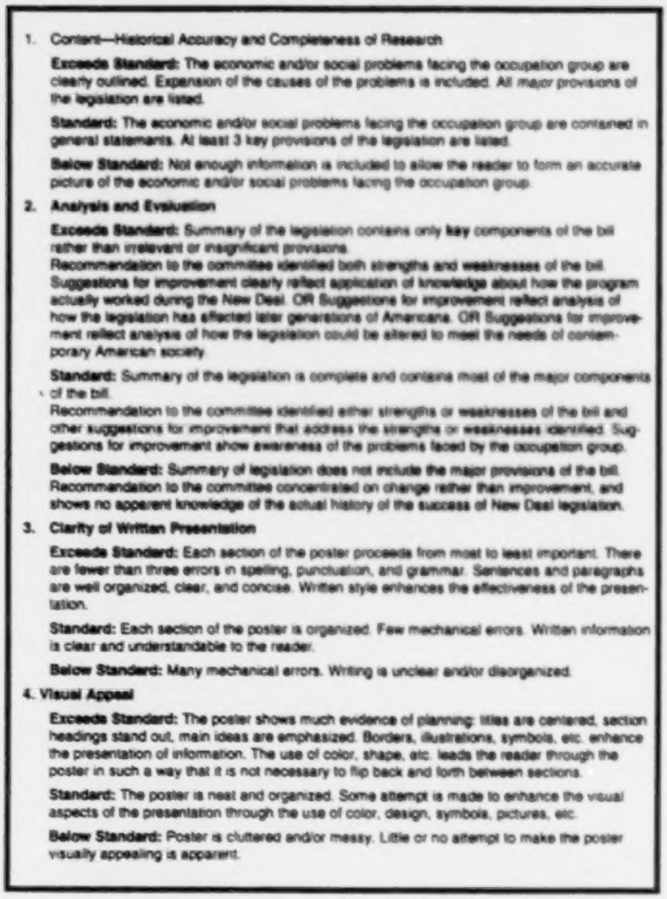


1. Content—Historical Accuracy and Completeness of Research

   Exceeds Standard: The economic and/or social problems facing the occupation group are clearly outlined. Expansion of the causes of the problems is included. All major provisions of the legislation are listed.

   Standard: The economic and/or social problems facing the occupation group are contained in general statements. At least 3 key provisions of the legislation are listed.

   Below Standard: Not enough information is included to allow the reader to form an accurate picture of the economic and/or social problems facing the occupation group.

2. **Analysis and Evaluation**

   Exceeds Standard: Summary of the legislation contains only **key** components of the bill rather than irrelevant or insignificant provisions.
   Recommendation to the committee identified both strengths and weaknesses of the bill. Suggestions for improvement clearly reflect application of knowledge about how the program actually worked during the New Deal. OR Suggestions for improvement reflect analysis of how the legislation has affected later generations of Americans. OR Suggestions for improvement reflect analysis of how the legislation could be altered to meet the needs of contemporary American society.

   Standard: Summary of the legislation is complete and contains most of the major components of the bill.
   Recommendation to the committee identified either strengths or weaknesses of the bill and other suggestions for improvement that address the strengths or weaknesses identified. Suggestions for improvement show awareness of the problems faced by the occupation group.

   Below Standard: Summary of legislation does not include the major provisions of the bill. Recommendation to the committee concentrated on change rather than improvement, and shows no apparent knowledge of the actual history of the success of New Deal legislation.

3. **Clarity of Written Presentation**

   Exceeds Standard: Each section of the poster proceeds from most to least important. There are fewer than three errors in spelling, punctuation, and grammar. Sentences and paragraphs are well organized, clear, and concise. Written style enhances the effectiveness of the presentation.

   Standard: Each section of the poster is organized. Few mechanical errors. Written information is clear and understandable to the reader.

   Below Standard: Many mechanical errors. Writing is unclear and/or disorganized.

4. **Visual Appeal**

   Exceeds Standard: The poster shows much evidence of planning: titles are centered, section headings stand out, main ideas are emphasized. Borders, illustrations, symbols, etc. enhance the presentation of information. The use of color, shape, etc. leads the reader through the poster in such a way that it is not necessary to flip back and forth between sections.

   Standard: The poster is neat and organized. Some attempt is made to enhance the visual aspects of the presentation through the use of color, design, symbols, pictures, etc.

   Below Standard: Poster is cluttered and/or messy. Little or no attempt to make the poster visually appealing is apparent.

Figure 8.1. Poster rubric adapted for use with New Deal assignment.

Political Cartoons

Creation of political cartoons is a popular assignment with social studies teachers because creating such cartoons requires students to sift through a great deal of information, select an issue on which to create their cartoon, and visually convey their position through symbols and words.

Kent Willmann uses a political cartoon activity as the assessment for a unit on Manifest Destiny (Figure 8.3). Kent's rubric for the activity includes five criteria: position, historical content, symbolism, creativity, and meeting due dates/completing preparation sheets. The preparation sheet provides Kent with an opportunity to provide feedback to students on the position they are taking, the historical details to be included in the cartoon, and the symbols to be used. Kent has been pleased with student work, some samples of which are provided in Figure 8.4.

UNITED STATES GOVERNMENT

DEPARTMENT OF STATE

BEHIND THE HEADLINES, BENEATH THE ICEBERG

Assistants to the Secretary: Period: ________

____________________ Desk

____________________ ____

____________________ ____

Behind the Headlines: ____________

1. **Group Research:** Each person is responsible for developing answers for one of the questions listed below. You must use current resources and prepare a correct bibliography (four current sources required).

    (1) What makes this nation a "trouble spot"? What in their history and in their society had led to this current conflict? Researcher: ____________

    (2) Is the U.S. involved in this "trouble spot"? Why are we involved? How are we involved? Researcher: ____________

    (3) Who are the rulers? How did they get their power? What limits (if any) are there on this person's power? Researcher: ____________

    (4) What do the people in this place have in common? What divides them? Researcher: ____________

2. **Group Report:** Two people will be responsible for developing a rough draft report. The rough draft should begin with an introductory paragraph that identifies the nation and the questions that will be answered in your report. The following four paragraphs will provide answers to the four questions given above. The other two group members will prepare rough draft "graphics" to accompany the report (maps, iceberg) and begin preparation of the poster which will display your project.

    Rough Draft: ____________

    Graphics: ____________

3. **Final Questions:** Do this as a small group. After researching this "trouble spot,"what questions do you now have about his conflict and our involvement with this nation? Develop 3-4 good questions. Before we consider any U.S. action, answers to these questions need to be carefully considered. Close your report with these questions. (*NOTE: For a follow-up writing assignment, you will look at 3-4 more recent clippings or articles about this "trouble spot" and try to answer these questions.*)

4. **Final Project:** Follow directions given in the sample provided. Group members should critique one another's work, making sure that the final project represents your group's very best work. See the attached rubric for information on the grading procedure.

Written report, including bibliography: ___

    Graphics: ____________

    Letters, borders: ____________

    Proofing your work: ____________

5. **Due Date:** ____________

BEHIND THE HEADLINES, BENEATH THE ICEBERG

DEBRIEFING

With all of our problems at home, why do we care enough to involve the U.S. in disputes in other parts of the world, especially when it is clear that many of the other nations (and many American citizens) would prefer we not stick our noses in their affairs?

Here's why: The world is interdependent and we need a stable world. Americans often disagree about our foreign policies—which we are free to do. We've learned about some of the reasons for the concern Americans have about these conflicts occurring in other parts of the world today. From what you have learned about the nation your group researched and the nations reported on by other groups, make a list of all the reasons you can think of that might involve us in the affairs of these nations.

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

Foreign Policy Options: Think of all the options (possible actions) you think we have in our relationships with the nations you have studied:

1.
2.
3.
4.
5.

My Influence: Now think of the ways in which you—a private citizen—can influence our government's foreign policy.

First Amendment Rights:

Update Assignment: Due ____________

For the next three weeks, you are to continue "tracking" your nation. You must obtain at least 3 clippings, political cartoons, or articles about your nation. You may also include TV newscasts. Make sure you include the date for each "update."

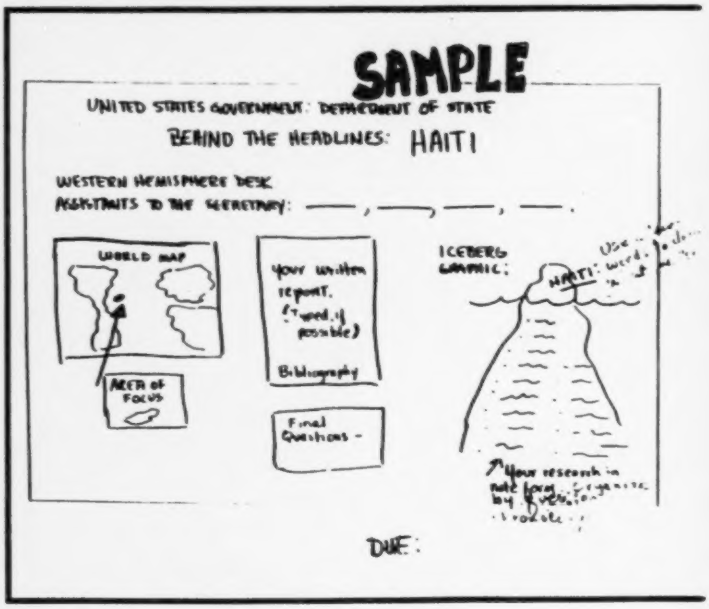
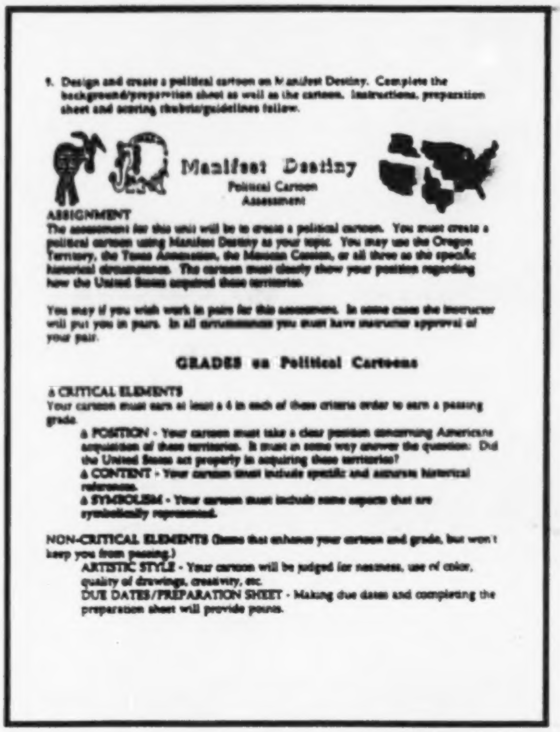

SAMPLE
UNITED STATES GOVERNMENT: DEPARTMENT OF STATE
BEHIND THE HEADLINES: HAITI
WESTERN HEMISPHERE DESK
ASSISTANTS TO THE SECRETARY: ___, ___, ___, ___.
WORLD MAP
AREA OF FOCUS
Your written report. (typed, if possible)
Bibliography
Final Questions -
ICEBERG GRAPHIC:
HAITI
Use ... words ...
Your research in note form ... organize by question ...
DUE:

Figure 8.2. Example of a structured poster assignment.



9. Design and create a political cartoon on Manifest Destiny. Complete the background/preparation sheet as well as the cartoon. Instructions, preparation sheet and scoring rubric/guidelines follow.

Manifest Destiny
Political Cartoon
Assessment

ASSIGNMENT
The assessment for this unit will be to create a political cartoon. You must create a political cartoon using Manifest Destiny as your topic. You may use the Oregon Territory, the Texas Annexation, the Mexican Cession, or all three as the specific historical circumstances. The cartoon must clearly show your position regarding how the United States acquired these territories.

You may if you wish work in pairs for this assessment. In some cases the instructor will put you in pairs. In all circumstances you must have instructor approval of your pair.

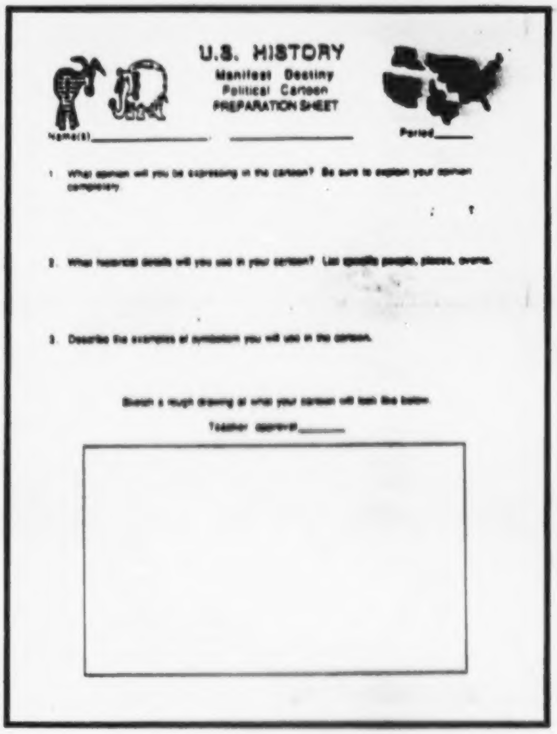
GRADES on Political Cartoons

Δ CRITICAL ELEMENTS
Your cartoon must earn at least a 4 in each of these criteria order to earn a passing grade.

- Δ POSITION - Your cartoon must take a clear position concerning Americans acquisition of these territories. It must in some way answer the question: Did the United States act properly in acquiring these territories?
- Δ CONTENT - Your cartoon must include specific and accurate historical reference.
- Δ SYMBOLISM - Your cartoon must include some aspects that are symbolically represented.

NON-CRITICAL ELEMENTS (Items that enhance your cartoon and grade, but won't keep you from passing.)

- ARTISTIC STYLE - Your cartoon will be judged for neatness, use of color, quality of drawings, creativity, etc.
- DUE DATES/PREPARATION SHEET - Making due dates and completing the preparation sheet will provide points.



U.S. HISTORY
Manifest Destiny
Political Cartoon
PREPARATION SHEET

Name(s)________________ ________________ Period______

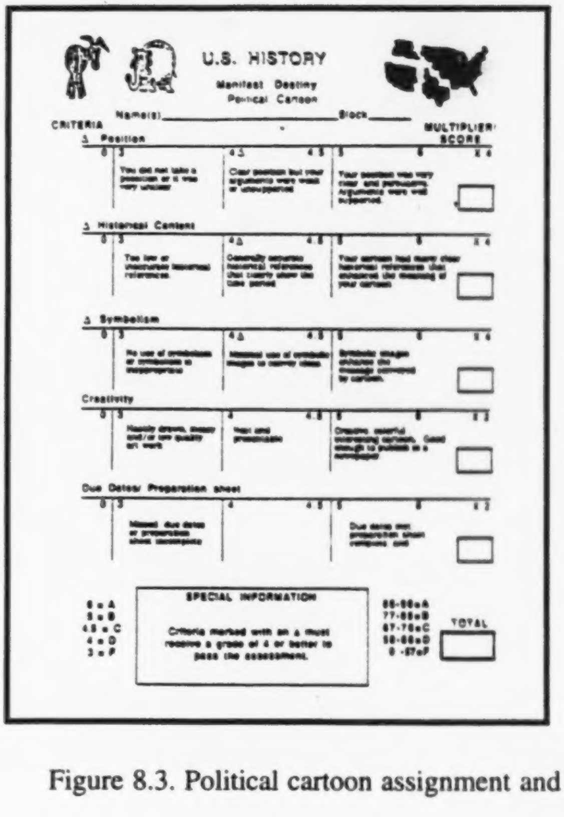
1. What opinion will you be expressing in the cartoon? Be sure to explain your opinion completely.

2. What historical details will you use in your cartoon? List specific people, places, events.

3. Describe the examples of symbolism you will use in the cartoon.

Sketch a rough drawing of what your cartoon will look like below.

Teacher approval______



U.S. HISTORY
Manifest Destiny
Political Cartoon

Name(s)______________________________Block______

CRITERIA	0	3	4	4.5	5	6	MULTIPLIER SCORE
Δ Position	0	You did not take a position or it was very unclear.	4 Δ Clear position but your arguments were weak or unsupported.	4.5	Your position was very clear and persuasive. Arguments were well supported.	6	X 4 ☐
Δ Historical Content	0	Too few or inaccurate historical references.	4 Δ Generally accurate historical references that clearly show the time period.	4.5	Your cartoon had many clear historical references that enhanced the meaning of your cartoon.	6	X 4 ☐
Δ Symbolism	0	No use of symbolism or symbolism is inappropriate.	4 Δ Minimal use of symbolic images to convey ideas.	4.5	Symbolic images enhance the message conveyed by cartoon.	6	X 4 ☐
Creativity	0	Messily drawn, sloppy and/or low quality art work.	4 Neat and presentable.	4.5	Creative, colorful interesting cartoon. Good enough to publish in a newspaper.	6	X 2 ☐
Due Dates/ Preparation sheet	0	Missed due dates or preparation sheet incomplete.	4	4.5	Due dates met, preparation sheet complete and	6	X 2 ☐

6 = A
5 = B
4.5 = C
4 = D
3 = F

SPECIAL INFORMATION

Criteria marked with an Δ must receive a grade of 4 or better to pass the assessment.

88-96=A
77-88=B
67-76=C
58-66=D
0 -57=F

TOTAL ☐

Figure 8.3. Political cartoon assignment and rubric.

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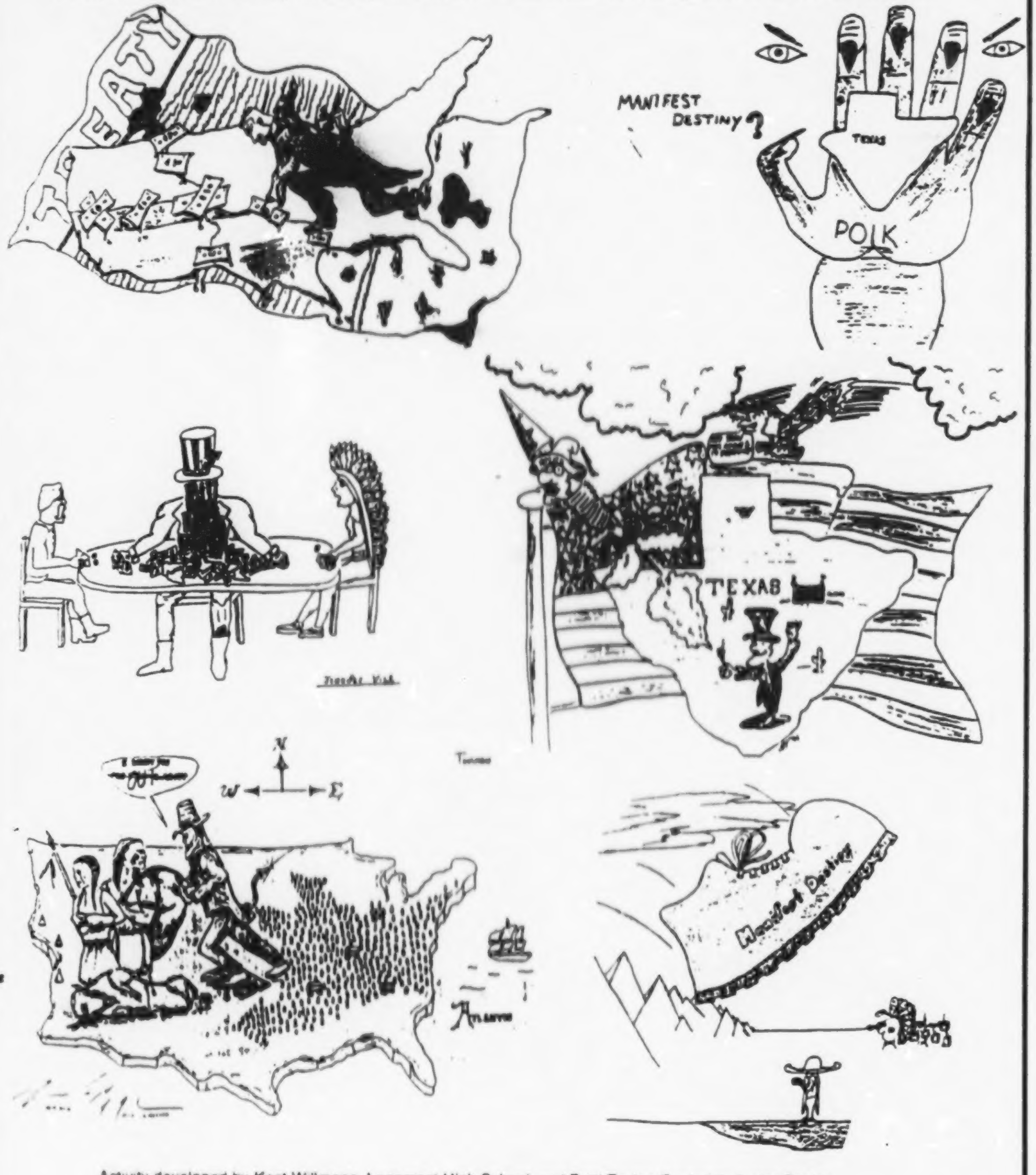
Examples of Manifest Destiny cartoons produced by students in classes at Longmont HS and Frederick JSHS.


TREATY
MANIFEST DESTINY ?
TEXAS
POLK
TEXAS
N
W
E
Manifest Destiny

Activity developed by Kent Willmann, Longmont High School, and Patti Taylor, Frederick Junior Senior

Figure 8.4. Sample student-created cartoons on Manifest Destiny.

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Reflection/Exercise

Imagine that your students produced the cartoons presented in Figure 8.4. You want to use the cartoons to reflect on your instruction and on the assessment task. Use the cartoons to answer the following questions.

- Were the students able to take a position on the central question? Do their positions reflect some understanding of both sides of the issue?
- Were students able to demonstrate content understanding through the cartoons?
- Did the students use symbolism appropriately?
- Are the cartoons of appropriate artistic quality?
- What did students do well?

Based on your analysis, what areas of instruction might be improved? How might the assessment be improved or supplemented to address any problems you found?

Museum Displays

Think back to the last time you visited a natural history, science, or children's museum. Pick a display you especially admired or enjoyed. What kinds of knowledge did the creators of that display need in order to make it successful in attracting your attention and educating you? What decisions did the creators have to make in designing the display? What type of thinking was required to make those decisions?

The process of analyzing a museum display that you enjoyed should make clear to you why many social studies teachers find creating a museum display an attractive task. Producing an effective display requires students to have depth of knowledge, to synthesize information, to identify important issues and topics and determine how best to convey information about them, to think creatively about ways to engage the viewer in the display, and to use design skills in creating the physical display.

As with other product-based assessments, successful museum activities require instruction on the skills required to create a display, as well as extensive coaching and feedback—and a well-planned task, of course.

One example of a display created by students is the Citizenship Portfolio Project sponsored by the Center for Civic Education. For this project, students work in teams to assemble displays that reflect their understanding of public policy issues. The displays are presented in a competition and are scored by a group of independent raters. Each section of the display is scored using seven criteria:

- Completeness.
- Clarity.
- Information.
- Support for position taken.
- Graphics.
- Documentation.
- Constitutionality of proposed solution.

The overall display is scored on the basis of the following criteria:

- Persuasiveness of the arguments and evidence supporting the proposed policy solution.
- Practicality of the proposed solution.
- Coordination of the parts of the display.
- Evidence that team members have reflected upon and evaluated their own work.

While not a law-related example, the experience of a team of science and history teachers from New Trier High School in Winnetka, Illinois, demonstrates the importance of a carefully thought-through task and adequate instruction. David Goodspeed, Don Rogan, and Betsy Parker decided to have students create displays for an exposition modeled on the Columbian Exposition of 1893.

The objectives for students were as follows:

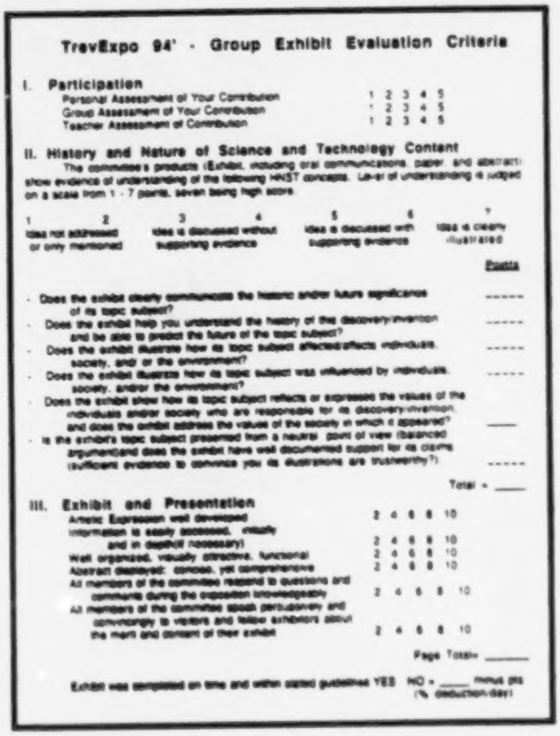
- Clearly communicate the historic and/or future significance of a science or technology.
- Demonstrate understanding of the history of a discovery/invention and be able to predict the future of the topic.
- Illustrate how the science or technology affected/affects individuals, society, and/or the environment.
- Illustrate how a science or technology was influenced by individuals, society, and/or the environment.
- Present information about a science or technology from a neutral point of view and document support for its claims with sufficient evidence.

The unit opened with a presentation about the Columbian Exposition of 1893 and a challenge to the students to prepare for the 100th anniversary of New Trier High School by planning a TrevExpo. Teams were then formed to research and study a science or technology of their choice; David, Don, and Betsy worked with teams to help them focus their topics and relate the topics to the content themes they had been studying. Coaching continued as teams wrote papers, prepared the exhibit, and wrote an abstract. The exhibits were presented in a daylong expo, visited by other classes in the school. The three teachers planning the expo had even prepared activities for use by other classes visiting the expo. In addition to presenting at the expo, students in the participating classes were required to visit several other exhibits, gather specified information, assess the exhibits, and nominate one for inclusion in the expo to be held for the school's 100th anniversary. Students assessed their own work, and the teachers used the rubric to assess each exhibit produced by their students. (See Figure 8.7 for assessment materials related to the assignment.)

Despite the intensive planning they had done and the coaching provided as the teams worked on their exhibits, David, Betsy, and Don were not completely satisfied with the resulting products. Because of the amount of work required to mount the expo, they gave serious thought to not doing the unit again. After discussion with outside observers and other teachers who were motivated to become involved in the exposition for the following year, the teachers decided to undertake the activity again.

Once this decision was made, the expanded group of teachers embarked on a process of reflection to determine what changes to make to the instructional and assessment aspects of the unit. They felt that some of the content themes they were trying to develop came out more clearly than others in student work. To address this perceived difficulty, they decided to clarify the rubric, simplifying the language and providing more examples. They also believed that having samples of exhibits created the first year of the project would be useful in demonstrating to students what exemplary work should look like. Finally, they decided to spend more classroom time on the content themes that the students had the most difficulty addressing.

David, Betsy, and Don were also concerned that the exhibits were not balanced, that students emphasized the positive effects of technology and science without considering negative impacts. After discussion with outside observers, who noted that students were able to talk about negative impacts even when they weren't shown in the displays, the teachers hypothesized that the connection to the Columbian Exposition of 1893 might have provided an overly positive model for students. Thus, they decided to revise their instructions to emphasize changes since 1893 that have caused people to be more analytical about the effects of technology and science on the society and environment. The process of reflection also prompted the team to make other revisions to their instruction and assessment which they will implement in the coming year.



TrevExpo 94' - Group Exhibit Evaluation Criteria

I. Participation

Personal Assessment of Your Contribution	1 2 3 4 5
Group Assessment of Your Contribution	1 2 3 4 5
Teacher Assessment of Contribution	1 2 3 4 5

II. History and Nature of Science and Technology Content

The committee's products (Exhibit, including oral communications, paper, and abstract) show evidence of understanding of the following HNST concepts. Level of understanding is judged on a scale from 1 - 7 points, seven being high score.

1	2	3	4	5	6	7
Idea not addressed or only mentioned		Idea is discussed without supporting evidence		Idea is discussed with supporting evidence		Idea is clearly illustrated

	Points
- Does the exhibit clearly communicate the historic and/or future significance of its topic subject?	------
- Does the exhibit help you understand the history of the discovery/invention and be able to predict the future of the topic subject?	------
- Does the exhibit illustrate how its topic subject affected/affects individuals, society, and/ or the environment?	------
- Does the exhibit illustrate how its topic subject was influenced by individuals, society, and/or the environment?	------
- Does the exhibit show how its topic subject reflects or expresses the values of the individuals and/or society who are responsible for its discovery/invention, and does the exhibit address the values of the society in which it appeared?	____
- Is the exhibit's topic subject presented from a neutral point of view (balanced argument)and does the exhibit have well documented support for its claims (sufficient evidence to convince you its illustrations are trustworthy?)	------

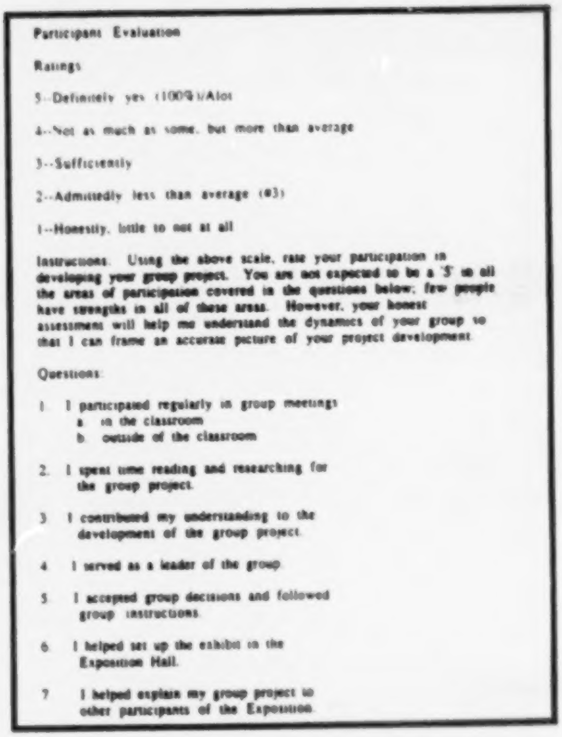
Total = ____

III. Exhibit and Presentation

Artistic Expression well developed	2 4 6 8 10
Information is easily accessed, (visually and in depth if necessary)	2 4 6 8 10
Well organized, visually attractive, functional	2 4 6 8 10
Abstract displayed: concise, yet comprehensive	2 4 6 8 10
All members of the committee respond to questions and comments during the exposition knowledgeably	2 4 6 8 10
All members of the committee speak persuasively and convincingly to visitors and fellow exhibitors about the merit and content of their exhibit	2 4 6 8 10

Page Total= ______

Exhibit was completed on time and within stated guidelines YES NO = ____ minus pts (% deduction/day)



Participant Evaluation

Ratings

5--Definitely yes (100%)/Alot

4--Not as much as some, but more than average

3--Sufficiently

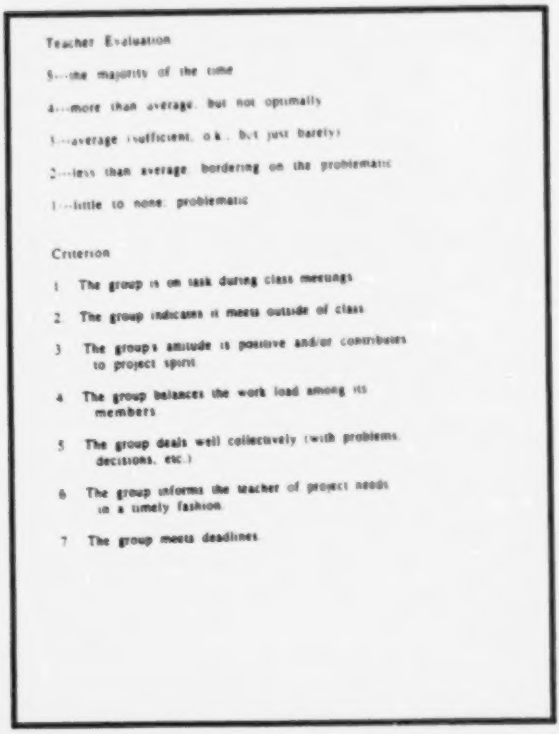
2--Admittedly less than average (#3)

1--Honestly, little to not at all

Instructions. Using the above scale, rate your participation in developing your group project. You are not expected to be a '5' in all the areas of participation covered in the questions below; few people have strengths in all of these areas. However, your honest assessment will help me understand the dynamics of your group so that I can frame an accurate picture of your project development.

Questions:

1. I participated regularly in group meetings
   a. in the classroom
   b. outside of the classroom
2. I spent time reading and researching for the group project.
3. I contributed my understanding to the development of the group project.
4. I served as a leader of the group.
5. I accepted group decisions and followed group instructions.
6. I helped set up the exhibit in the Exposition Hall.
7. I helped explain my group project to other participants of the Exposition.



Teacher Evaluation

5---the majority of the time

4---more than average, but not optimally

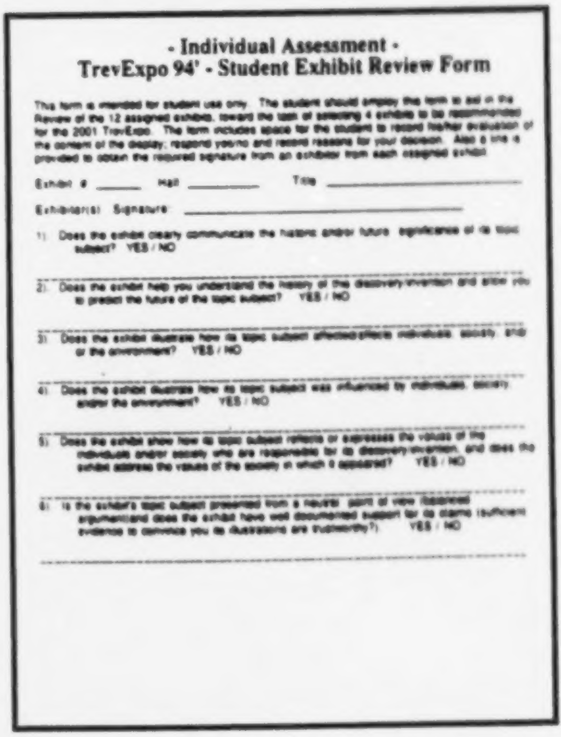
3---average (sufficient, o.k., but just barely)

2---less than average, bordering on the problematic

1---little to none; problematic

Criterion

1. The group is on task during class meetings
2. The group indicates it meets outside of class
3. The group's attitude is positive and/or contributes to project spirit
4. The group balances the work load among its members
5. The group deals well collectively (with problems, decisions, etc.)
6. The group informs the teacher of project needs in a timely fashion
7. The group meets deadlines



- Individual Assessment -
TrevExpo 94' - Student Exhibit Review Form

This form is intended for student use only. The student should employ this form to aid in the Review of the 12 assigned exhibits, toward the task of selecting 4 exhibits to be recommended for the 2001 TrevExpo. The form includes space for the student to record his/her evaluation of the content of the display; respond yes/no and record reasons for your decision. Also a line is provided to obtain the required signature from an exhibitor from each assigned exhibit.

Exhibit # ______ Hall __________ Title ______________________________

Exhibitor(s) Signature ______________________________________

1) Does the exhibit clearly communicate the historic and/or future significance of its topic subject? YES / NO

2) Does the exhibit help you understand the history of the discovery/invention and allow you to predict the future of the topic subject? YES / NO

3) Does the exhibit illustrate how its topic subject affected/affects individuals, society, and/ or the environment? YES / NO

4) Does the exhibit illustrate how its topic subject was influenced by individuals, society, and/or the environment? YES / NO

5) Does the exhibit show how its topic subject reflects or expresses the values of the individuals and/or society who are responsible for its discovery/invention, and does the exhibit address the values of the society in which it appeared? YES / NO

6) Is the exhibit's topic subject presented from a neutral point of view (balanced argument)and does the exhibit have well documented support for its claims (sufficient evidence to convince you its illustrations are trustworthy?) YES / NO

Figure 8.7. Assessment materials for science and technology exposition exhibits.

Reflection/Exercise

Pick a topic that could be effetively assessed through creation of museum displays. Possible examples include:

- The relationship between law and culture.
- The impact of the Bill of Rights on our everyday lives.
- Conflicts between advanced technologies and individual rights.

How would you structure a museum-building task related to this topic? What goals would you want students to achieve? What criteria would you use to evaluate student work? How would you provide instruction and coaching related to those criteria? Outline a task and assessment rubric that could be used with this assignment.

Public Opinion Surveys

Public opinion polling plays an ever-increasing role in electoral politics, as well as in formation of public policy. The ability to interpret polling information is a key citizenship skill; one way of developing that ability is by learning how polls are constructed, conducted, and analyzed. According to Kevin Pobst, a history and political science teacher at Oak Park and River Forest High School in Oak Park, Illinois, who has involved his students in many polling activities:

> *Nothing helps students understand polling like conducting a survey themselves. When they do, they grasp the importance of anticipating consequences and planning thoroughly to make sure the data collected are useful.*
>
> *Developing the survey trains them to focus and limit the inquiry, phrase and sequence questions carefully, and set up valid sampling procedures.*
>
> *Analyzing the data confronts students with the diversity of attitudes, reasoning, articulateness, and demographics in their own community.*
>
> *When students compare their community survey results with periodic analysis of professionally collected data, they better understand the polls that make the news.*

Kevin also points out that polling projects require students to use such critical thinking skills as:

- Differentiating between the quality of different survey techniques.

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- Analyzing the potential usefulness and limitations of data presented.
- Evaluating the hypotheses that are generated.
- Formulating generalizations based on data and critiquing the validity and desirability of such generalizations.
- Refining the concept of aggregate "public opinion."
- Categorizing and comparing the attitudes of different social groups in American society.

In addition, if students focus on real issues in the school or community, the information garnered through polling projects can also have an audience beyond the classroom.

Figure 8.8 presents Kevin's lesson plan for polling activities, along with a sample script and a table reflecting the data generated using the script.

Exercise

As the information in Figure 8.8 makes clear, Kevin has thought carefully about technical issues related to polling, as well as about issues related to how introduce polling to students. He has not yet devoted a great deal of attention to assessing student performance. Read Kevin's lesson plan, the sample script, and the data table. How would you want students to present their analysis of the findings? What criteria would you use to evaluate their work? Create a rubric that would help students meet the standard for exemplary performance. Share your rubric with a colleague and gather his/her ideas about possible improvements.

Pitfalls and Challenges of Product Assessments

Several teachers commented that students concentrate on visual appeal and do not include sufficient content or provide evidence of depth of understanding or critical thinking. Based on our observations, this pitfall may be due to the fact that both students and teachers initially lack a clear understanding of what constitutes exemplary performance. Determining how, for example, a student will show a particular author's interpretation of the "people's history" of an era is not an easy task. Thus, it is not surprising when students do not meet the teacher's expectations and feel that they were scored unfairly on this criterion. Again, we would urge teachers to assign several products as instruc-

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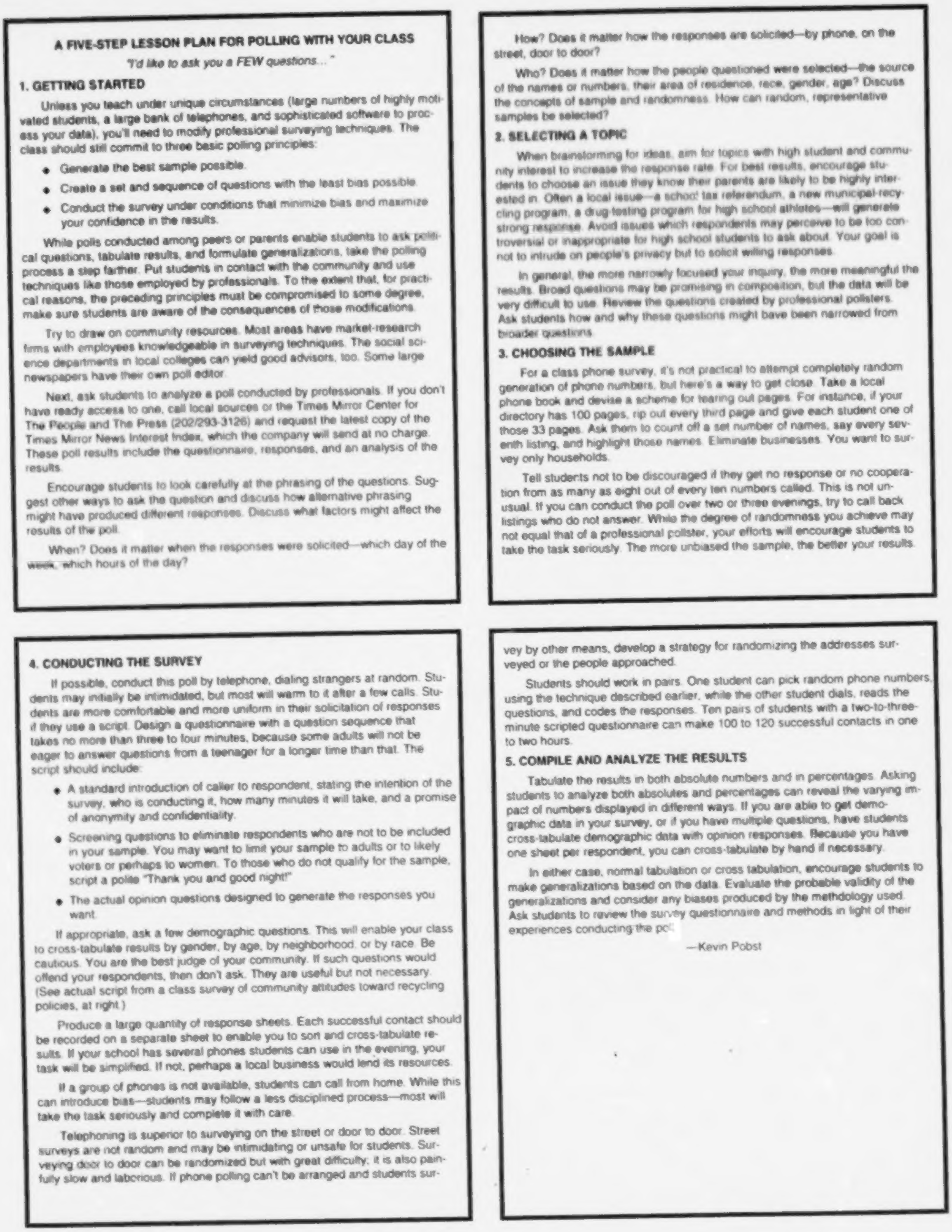

A FIVE-STEP LESSON PLAN FOR POLLING WITH YOUR CLASS

"I'd like to ask you a FEW questions..."

1. GETTING STARTED

Unless you teach under unique circumstances (large numbers of highly motivated students, a large bank of telephones, and sophisticated software to process your data), you'll need to modify professional surveying techniques. The class should still commit to three basic polling principles:

- Generate the best sample possible.
- Create a set and sequence of questions with the least bias possible.
- Conduct the survey under conditions that minimize bias and maximize your confidence in the results.

While polls conducted among peers or parents enable students to ask political questions, tabulate results, and formulate generalizations, take the polling process a step farther. Put students in contact with the community and use techniques like those employed by professionals. To the extent that, for practical reasons, the preceding principles must be compromised to some degree, make sure students are aware of the consequences of those modifications.

Try to draw on community resources. Most areas have market-research firms with employees knowledgeable in surveying techniques. The social science departments in local colleges can yield good advisors, too. Some large newspapers have their own poll editor.

Next, ask students to analyze a poll conducted by professionals. If you don't have ready access to one, call local sources or the Times Mirror Center for The People and The Press (202/293-3126) and request the latest copy of the Times Mirror News Interest Index, which the company will send at no charge. These poll results include the questionnaire, responses, and an analysis of the results.

Encourage students to look carefully at the phrasing of the questions. Suggest other ways to ask the question and discuss how alternative phrasing might have produced different responses. Discuss what factors might affect the results of the poll.

When? Does it matter when the responses were solicited—which day of the week, which hours of the day?

How? Does it matter how the responses are solicited—by phone, on the street, door to door?

Who? Does it matter how the people questioned were selected—the source of the names or numbers, their area of residence, race, gender, age? Discuss the concepts of sample and randomness. How can random, representative samples be selected?

2. SELECTING A TOPIC

When brainstorming for ideas, aim for topics with high student and community interest to increase the response rate. For best results, encourage students to choose an issue they know their parents are likely to be highly interested in. Often a local issue—a school tax referendum, a new municipal-recycling program, a drug-testing program for high school athletes—will generate strong response. Avoid issues which respondents may perceive to be too controversial or inappropriate for high school students to ask about. Your goal is not to intrude on people's privacy but to solicit willing responses.

In general, the more narrowly focused your inquiry, the more meaningful the results. Broad questions may be promising in composition, but the data will be very difficult to use. Review the questions created by professional pollsters. Ask students how and why these questions might bave been narrowed from broader questions.

3. CHOOSING THE SAMPLE

For a class phone survey, it's not practical to attempt completely random generation of phone numbers, but here's a way to get close. Take a local phone book and devise a scheme for tearing out pages. For instance, if your directory has 100 pages, rip out every third page and give each student one of those 33 pages. Ask them to count off a set number of names, say every seventh listing, and highlight those names. Eliminate businesses. You want to survey only households.

Tell students not to be discouraged if they get no response or no cooperation from as many as eight out of every ten numbers called. This is not unusual. If you can conduct the poll over two or three evenings, try to call back listings who do not answer. While the degree of randomness you achieve may not equal that of a professional pollster, your efforts will encourage students to take the task seriously. The more unbiased the sample, the better your results.

4. CONDUCTING THE SURVEY

If possible, conduct this poll by telephone, dialing strangers at random. Students may initially be intimidated, but most will warm to it after a few calls. Students are more comfortable and more uniform in their solicitation of responses if they use a script. Design a questionnaire with a question sequence that takes no more than three to four minutes, because some adults will not be eager to answer questions from a teenager for a longer time than that. The script should include:

- A standard introduction of caller to respondent, stating the intention of the survey, who is conducting it, how many minutes it will take, and a promise of anonymity and confidentiality.
- Screening questions to eliminate respondents who are not to be included in your sample. You may want to limit your sample to adults or to likely voters or perhaps to women. To those who do not qualify for the sample, script a polite "Thank you and good night!"
- The actual opinion questions designed to generate the responses you want.

If appropriate, ask a few demographic questions. This will enable your class to cross-tabulate results by gender, by age, by neighborhood, or by race. Be cautious. You are the best judge of your community. If such questions would offend your respondents, then don't ask. They are useful but not necessary. (See actual script from a class survey of community attitudes toward recycling policies, at right.)

Produce a large quantity of response sheets. Each successful contact should be recorded on a separate sheet to enable you to sort and cross-tabulate results. If your school has several phones students can use in the evening, your task will be simplified. If not, perhaps a local business would lend its resources.

If a group of phones is not available, students can call from home. While this can introduce bias—students may follow a less disciplined process—most will take the task seriously and complete it with care.

Telephoning is superior to surveying on the street or door to door. Street surveys are not random and may be intimidating or unsafe for students. Surveying door to door can be randomized but with great difficulty; it is also painfully slow and laborious. If phone polling can't be arranged and students survey by other means, develop a strategy for randomizing the addresses surveyed or the people approached.

Students should work in pairs. One student can pick random phone numbers, using the technique described earlier, while the other student dials, reads the questions, and codes the responses. Ten pairs of students with a two-to-three-minute scripted questionnaire can make 100 to 120 successful contacts in one to two hours.

5. COMPILE AND ANALYZE THE RESULTS

Tabulate the results in both absolute numbers and in percentages. Asking students to analyze both absolutes and percentages can reveal the varying impact of numbers displayed in different ways. If you are able to get demographic data in your survey, or if you have multiple questions, have students cross-tabulate demographic data with opinion responses. Because you have one sheet per respondent, you can cross-tabulate by hand if necessary.

In either case, normal tabulation or cross tabulation, encourage students to make generalizations based on the data. Evaluate the probable validity of the generalizations and consider any biases produced by the methdology used. Ask students to review the survey questionnaire and methods in light of their experiences conducting the poll

—Kevin Pobst

Figure 8.8 Lesson plan and data for polling activity.

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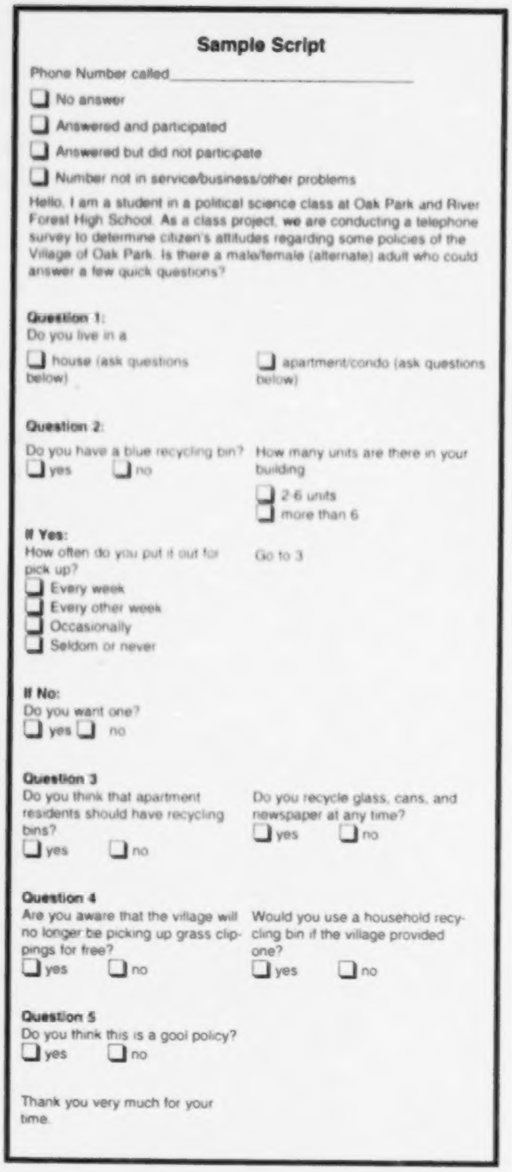


Sample Script

Phone Number called____________________________

☐ No answer

☐ Answered and participated

☐ Answered but did not participate

☐ Number not in service/business/other problems

Hello, I am a student in a political science class at Oak Park and River Forest High School. As a class project, we are conducting a telephone survey to determine citizen's attitudes regarding some policies of the Village of Oak Park. Is there a male/female (alternate) adult who could answer a few quick questions?

Question 1:
Do you live in a

☐ house (ask questions below) ☐ apartment/condo (ask questions below)

Question 2:

Do you have a blue recycling bin?
☐ yes ☐ no

How many units are there in your building
☐ 2-6 units
☐ more than 6

If Yes:
How often do you put it out for pick up?
☐ Every week
☐ Every other week
☐ Occasionally
☐ Seldom or never

Go to 3

If No:
Do you want one?
☐ yes ☐ no

Question 3

Do you think that apartment residents should have recycling bins?
☐ yes ☐ no

Do you recycle glass, cans, and newspaper at any time?
☐ yes ☐ no

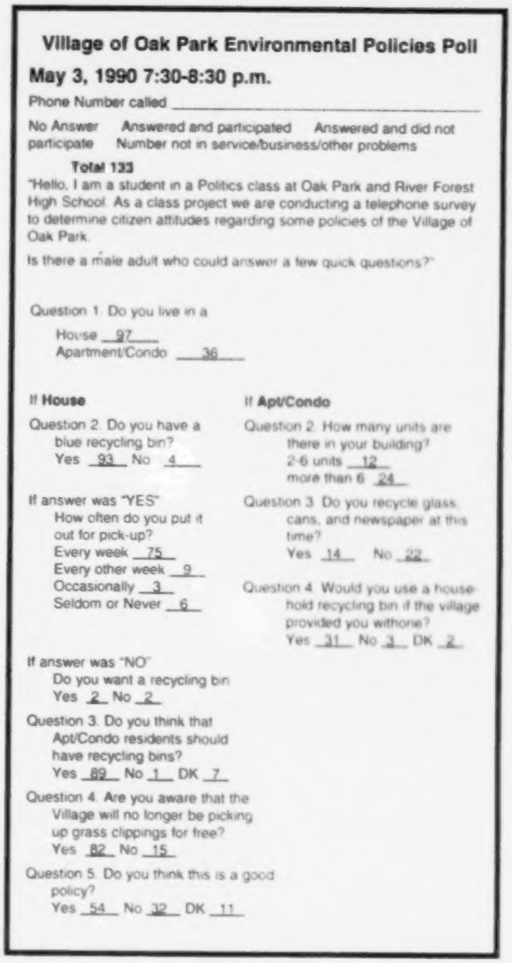
Question 4

Are you aware that the village will no longer be picking up grass clippings for free?
☐ yes ☐ no

Would you use a household recycling bin if the village provided one?
☐ yes ☐ no

Question 5
Do you think this is a gool policy?
☐ yes ☐ no

Thank you very much for your time.



Village of Oak Park Environmental Policies Poll

May 3, 1990 7:30-8:30 p.m.

Phone Number called ____________________________

No Answer Answered and participated Answered and did not participate Number not in service/business/other problems

Total 133

"Hello, I am a student in a Politics class at Oak Park and River Forest High School. As a class project we are conducting a telephone survey to determine citizen attitudes regarding some policies of the Village of Oak Park.

Is there a male adult who could answer a few quick questions?"

Question 1. Do you live in a
House 97
Apartment/Condo 36

If **House**

Question 2. Do you have a blue recycling bin?
Yes 93 No 4

If answer was "YES"
How often do you put it out for pick-up?
Every week 75
Every other week 9
Occasionally 3
Seldom or Never 6

If answer was "NO"
Do you want a recycling bin
Yes 2 No 2

Question 3. Do you think that Apt/Condo residents should have recycling bins?
Yes 89 No 1 DK 7

Question 4. Are you aware that the Village will no longer be picking up grass clippings for free?
Yes 82 No 15

Question 5. Do you think this is a good policy?
Yes 54 No 32 DK 11

If **Apt/Condo**

Question 2. How many units are there in your building?
2-6 units 12
more than 6 24

Question 3. Do you recycle glass, cans, and newspaper at this time?
Yes 14 No 22

Question 4. Would you use a household recycling bin if the village provided you withone?
Yes 31 No 3 DK 2

Figure 8.8. cont'd.

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tional activities before using one as an assessment; this process will help you and the students reach a shared understanding of how exemplary thinking/understanding of content are shown in a product of a certain type. It will also help you refine your instructions for the task. Through coaching and feedback and provision of examples of student work from previous assignments, students will be able to progress toward the standard you want them to attain.

Some teachers feared that in assigning products, they were shortchanging the students who are good writers and could easily produce an essay that shows evidence of depth of understanding and critical thinking. On the other hand, the product assignment provides an opportunity for students that are not good writers but may be able to show depth of understanding and thinking in another format—an opportunity that has traditionally been all too rare. In addition, even those students who are good writers will sometimes be required in their adult lives to convey ideas in other than written form; thus, the product assignment is a good chance for them to develop other skills.

Teachers also expressed concern about assigning group scores to products. To many teachers, creating products is an excellent group assignment. They are concerned, however, that not every student in the group would have the level of understanding reflected in the final product and therefore would not actually have met the standard. This concern is a valid one. A strategy for addressing it is to have students work in groups on several product-based activities that are not assessed and then have them create individual products for the assessment. Another strategy is to continue assigning products as group activities but to follow some or all product assessments with a writing assignment or more traditional test to determine whether all students have developed the knowledge and ability to use it reflected in the poster. A form for keeping track of daily work can be used for tracking individual contribution (see Figure 8.9).

Another problem that we observed was that some tasks did not match goals and products well. Visual products tend to require a great deal of summary and synthesis because a great deal of information must be shown in a compact form. While using the skills of summarizing and sythesizing is beneficial, we observed that some tasks required too much generalization to be useful. For example, if students must summarize the events related to the civil rights of all groups of Native Americans over a period of 30 years in a single image or phrase, they may actually come away from the task with a newly formed misconception. Teachers must be careful in developing their tasks that the level of generalization the task requires is appropriate.

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Group Members: (list yourself first)

Self & Group Accountability Log

The purpose of this log is for you and your group to monitor your progress toward accomplishing your task on the 1920s. In the first couple of minutes of class, complete the expectations for today; in the last couple of minutes each day, make a note of your progress.

Date

Work you expect to accomplish today

At end of period, record what you actually completed

self

group

What help do you need to accomplish tomorrow's tasks?

Who will help you?

Self grade for today's effort ____ Group grade for today's effort ____

Date ____

Work you expect to accomplish today

At end of period, record what you actually completed

self

group

What help do you need to accomplish tomorrow's tasks?

Who will help you?

Self grade for today's effort ____ Group grade for today's effort ____

Figure 8.9. Self and group accountability log.

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Chapter 9: Instructional and Assessment Portfolios

At North Middle School in Denver, Colorado, and Black Mountain Middle School in San Diego, California, eighth-graders present their portfolios to a panel of teachers, parents, peers, and community members as part of a continuation requirement at the end of the school year. In the first year of implementing portfolios, North Middle School teachers reported some unexpected results: parent involvement in the end-of-the-year conferences increased dramatically; portfolio presentations were recognized by all students and staff as an important learning experience; and students ended the school year with a sense of accomplishment and recognition. Similar experiences were reported by teachers at Black Mountain. The culminating event, called the "continuation celebration," shapes assessment throughout the year. At these two schools, teachers and students are using portfolios to improve student learning and assessment. As Black Mountain history teacher Gary Kroesch states, portfolios are the "glue" that holds instruction and assessment together.

More than just a collection of student work, a portfolio represents a deliberate selection of work to illustrate the extent to which the student has attained a specified set of outcomes. Because teachers can design portfolios to focus on the unique features of their courses, there is often much confusion about the purposes of portfolios and their content. Another point of confusion stems from the fact that portfolios are essentially a creative and reflective process and serve a very different purpose than standardized tests. In contrast to single-score measures, portfolios are an excellent way to illustrate performance on a variety of outcomes, providing a richer, more complete description of student understanding. They also readily illustrate an important but often overlooked outcome: improvement over time. Similarly, examination of a student's portfolio can reveal patterns of behavior that become apparent only when multiple samples are considered at one time.

Purposes of Portfolios

Instructional portfolios can be integrated into curricula as a way to help students develop self-assessment and self-reflection skills. Also, by collecting work that shows improvement over time, students will gain a sense of mastery, progress, and (hopefully) more pride in the

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quality of their work. Instructional portfolios are also helpful to teachers because they provide a complete picture of students' understanding, including attitudes and learning difficulties. Teachers can use this information to modify and adapt instruction to the needs of their students. Portfolios used for these purposes are called "instructional" because they are not evaluated, although some of the contents may have already been graded by the teachers. The emphasis is on helping students develop self-reflection and assessment skills, enhancing student involvement, and demonstrating progress over time.

Portfolios can also be used for assessment purposes. Portfolios used for this purpose include carefully selected samples of work that show the extent to which the student has attained a set of outcomes. The portfolio can be evaluated based on the students' selection of work, evidence of improvement, and/or the overall quality of the portfolio. Most importantly, materials included in a portfolio should illustrate the extent to which the student has met the instructional goals of a unit or course. Generally, portfolios should show student thinking, improvement over time, connections/integration between subject areas, problem solving, and student self-reflection about his/her work. Although pieces in the portfolio could be both graded and ungraded (e.g., a rough draft and a final essay), each should illustrate a particular outcome (e.g., improvement, mastery of a skill, knowledge, etc.).

What gets assessed depends on the teacher's instructional goals. For example, the student may choose from a variety of assignments to illustrate his/her understanding of how local government makes decisions about environmental issues. If, over time, the student chooses to include a different assignment to illustrate that outcome, he/she can add it to the portfolio. Many educators argue that evaluating the whole portfolio (i.e., reducing all scores on several assessment tasks and outcomes to a single score) defeats the purpose of using portfolios. For practical purposes, however, some teachers may elect to use work in the portfolio to compute a summative course grade. Some teachers argue that evaluating the portfolio based on criteria such as completeness and overall presentation motivates students to put together high quality portfolios. Figure 9.1 shows two conceptions of portfolios that Gary Kroesch has developed; either can be effective if used in the context of meaningful curriculum.

Regardless of how they fit into your existing grading system, the rewards of portfolios should include: (1) better integration and connections between instruction and assessment, (2) better feedback to students about their strengths and weaknesses, (3) an increase in students' sense of mastery and accountability that will helpfully lead to better overall performance, and (4) better feedback to parents, particularly in parent-teacher or student-led conferences.

What if using portfolios for both instructional and assessment purposes appeals to you? Great! Portfolios can serve several purposes at the same time. For example, you may decide that you want to use port-

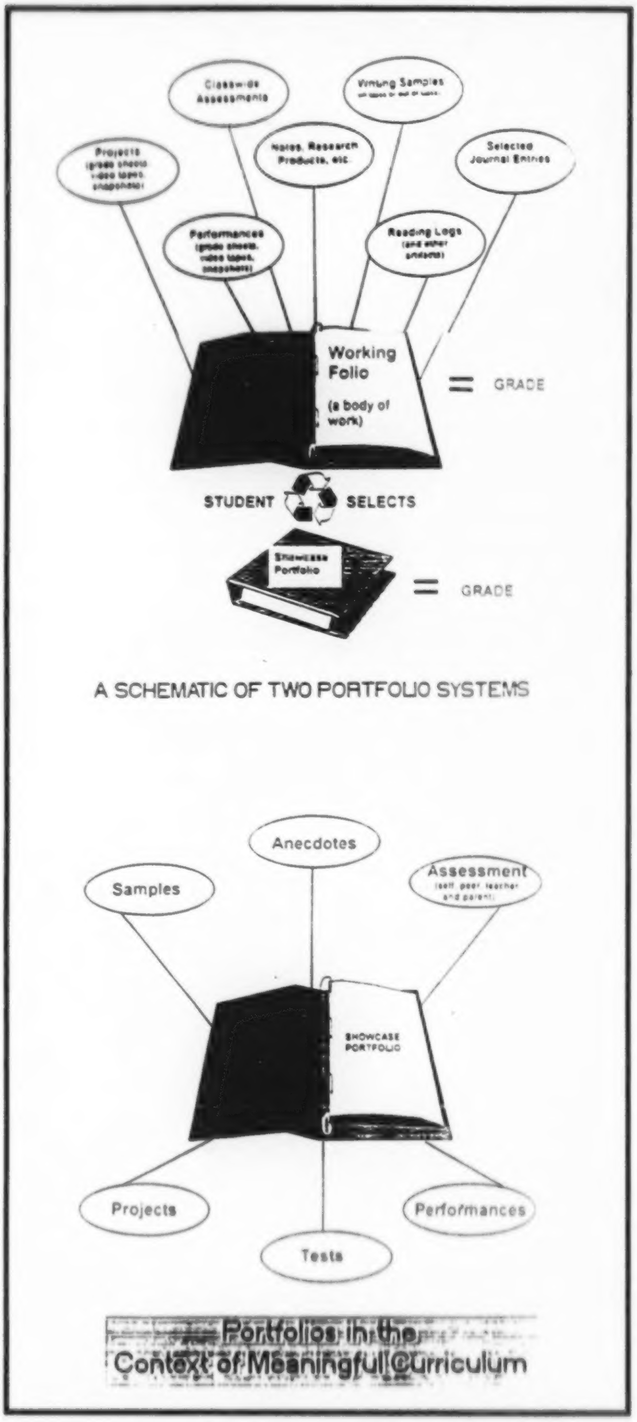
Classwide Assessments
Writing Samples
Projects (grade sheets, video tapes, snapshots)
Notes, Research Products, etc.
Selected Journal Entries
Performances (grade sheets, video tapes, snapshots)
Reading Logs (and other artifacts)
Working Folio
(a body of work)
= GRADE
STUDENT
SELECTS
Showcase Portfolio
= GRADE
A SCHEMATIC OF TWO PORTFOLIO SYSTEMS
Anecdotes
Samples
Assessment (self, peer, teacher and parent)
SHOWCASE PORTFOLIO
Projects
Tests
Performances
Portfolios in the Context of Meaningful Curriculum

Figure 9.1. A schematic of two portfolio systems. One is graded at two points in the development process. The second is not graded but is presented by the student at a "showcase" event.

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folios to help your students develop self-assessment skills, to integrate several units under a common theme, and to show the extent to which students have met course outcomes (e.g., understanding historical and current events related to constitutional issues). You also realize that you want to provide students an incentive for working hard on their portfolios, so the portfolio itself will be assessed as a product (criteria might include clarity, variety of information, completeness, etc.). This type of portfolio is serving several purposes at once, which is part of the power of using portfolios in the classroom.

The Portfolio-Based Classroom

What does a portfolio-based classroom look like? Most teachers who have used portfolios in their classrooms report that the process of using portfolios is more important than the actual portfolios themselves. Portfolios are a great way to provide students with better feedback and involve them in the assessment process, reports Kathy Ratte, a history teacher from Jefferson County, Colorado. "The portfolios promote a dialogue between me and each student. We talk about how they're doing, what they need to do to improve, and, most importantly, students reflect on the quality of their work more thoughtfully." Students are told to collect samples of work and "present a case for the grade you deserve." Using this strategy, Kathy feels that her students are much more reflective about their performance and what constitutes good work. Students are also motivated to do good work because they are involved in the assessment process. Kathy emphasizes that students can put anything in their portfolio that shows that they have met course goals in three areas: content, skill development, and participation. The end-of-semester conference provides students a chance to reflect on their strengths, weaknesses, and areas of improvement. For Kathy, student improvement is an important component in her evaluation system. "Even students who do 'A' work must show improvement. Emphasizing improvement also allows me to reward students who may not necessarily meet my high standards but who show significant progress over the semester."

Ginny Jones, a secondary social studies teacher at Skyline High School in Longmont, Colorado, is currently testing the concept of a portfolio in a *Street Law* class. During the first week of the semester, she explained to her class (a small class of 15 with a high percentage of students having low motivation) that they would be creating portfolios of their best work as a way to evaluate their progress in the course. Ginny developed criteria for assessing the portfolios (see Figure 9.2) to match the objectives of her course.

She anticipates that the criteria will change significantly as a result of the experience she and her students have had in working toward the criteria outlined. In particular, she is finding that the descriptions are too vague. For students to improve, they need more concrete suggestions than are currently provided. Students do see the connection between

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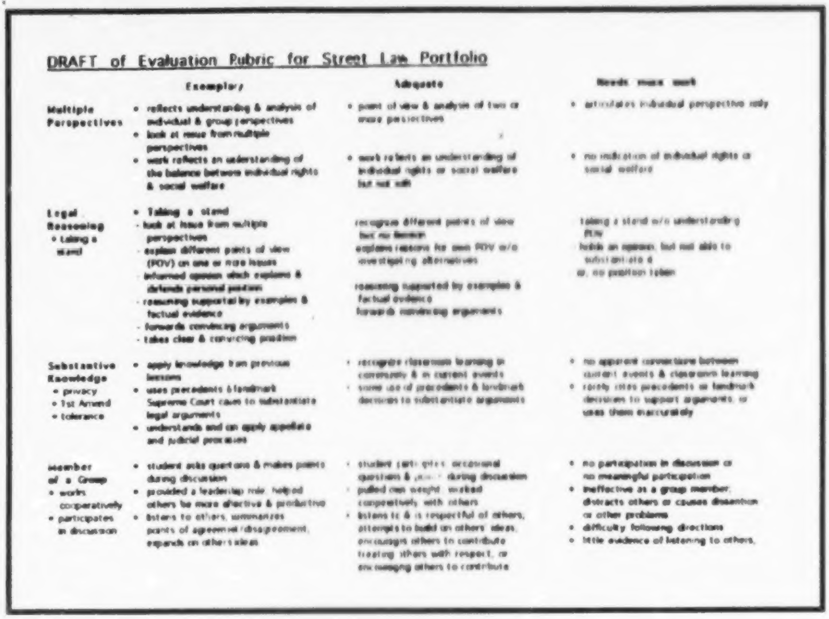

DRAFT of Evaluation Rubric for Street Law Portfolio

	Exemplary	Adequate	Needs more work
Multiple Perspectives	• reflects understanding & analysis of individual & group perspectives • look at issue from multiple perspectives • work reflects an understanding of the balance between individual rights & social welfare	• point of view & analysis of two or more perspectives • work reflects an understanding of individual rights or social welfare but not both	• articulates individual perspective only • no indication of individual rights or social welfare
Legal Reasoning • taking a stand	• Taking a stand - look at issue from multiple perspectives - explain different points of view (POV) on one or more issues - informed opinion which explains & defends personal position - reasoning supported by examples & factual evidence - forwards convincing arguments - takes clear & convincing position	recognize different points of view but no [illegible] explains reasons for own POV w/o investigating alternatives reasoning supported by examples & factual evidence forwards convincing arguments	taking a stand w/o understanding POV holds an opinion, but not able to substantiate it or, no position taken
Substantive Knowledge • privacy • 1st Amend • tolerance	• apply knowledge from previous lessons • uses precedents & landmark Supreme Court cases to substantiate legal arguments • understands and can apply appellate and judicial processes	• recognize classroom learning in community & in current events • some use of precedents & landmark decisions to substantiate arguments	• no apparent connections between current events & classroom learning • rarely cites precedents or landmark decisions to support arguments, or uses them inaccurately
Member of a Group • works cooperatively • participates in discussion	• student asks questions & makes points during discussion • provided a leadership role, helped others be more effective & productive • listens to others, summarizes points of agreement/disagreement, expands on others ideas	• student participates: occasional questions & [illegible] during discussion • pulled own weight, worked cooperatively with others • listens to & is respectful of others, attempts to build on others' ideas, encourages others to contribute treating others with respect, or encouraging others to contribute	• no participation in discussion or no meaningful participation • ineffective as a group member, distracts others or causes dissention or other problems • difficulty following directions • little evidence of listening to others.

Figure 9.2. Draft rubric for Street Law portfolio.

the criteria as they are currently stated—particularly between legal reasoning and legal knowledge.

Conversation about how students are doing in relationship to the criteria takes place at periodic student conferences. Ginny has structured conferences lasting from five to fifteen minutes with each student at three points during the semester. At the conferences, Ginny asks students to pick work from their various oral and written presentations to illustrate various objectives from her course. She begins each conference by asking students to "visit with me about where your work is at in relationship to where you want it to be."

For many students, having someone ask them to select samples of their best work is a novel experience. Some students have taken advantage of the opportunity to revise work so that it meets a higher standard. Most, however, have been interested in how they might improve but only want to apply that information to future work. All have at least responded to the question "What can I do better?" A few have no idea at what level they are performing. Most have selected briefs that they have written for moot courts as the focus for the first conference.

Ginny believes that the idea of a portfolio has promise not just for her law class but for her history classes as well. She invites suggestions for moving forward.

An interesting activity that somewhat parallels Ginny's portfolio experiment is a process by which Ginny both models and encourages reflection. Because it was the first time that she had taught law in ten years, Ginny decided to ask students for periodic feedback on how the course was working. To accomplish this, Ginny asks them to periodically write her a "Dear Ginny" letter. She provides several questions on a transparency for students to use in their letters: "Is this class meeting your needs?" "What skills and knowledge are you learning?" "How much effort are you putting into this class?" She finds that the letter exercise has helped students to self-assess. One student told her, "I'm hardly putting any effort into my class, but that's not new. I don't work in any of my classes."

While they can address many instructional objectives, portfolios should increase student involvement in the assessment process. One realization that seems to be common to all the teachers we interviewed is the role of portfolios in promoting student self-reflection. Reflecting on the quality of one's work is an essential skill and can be easily incorporated into student portfolios. As Kathy Ratte's experience revealed, asking students to reflect on their strengths and weaknesses was one of the most important reasons for using portfolios. Below is a list of possible ways to include self-reflection in your assessment systems.

Students can...

1. Rate their own progress toward learning a specific/desired outcome.

2. Describe the difference between what they can do and should/could do.

3. Describe how they feel about the process of learning.

4. Describe what happened in the learning process that was affected by the learning context.

5. Indicate the level of commitment they have to the application of the skills learned.

6. Describe the strategies they used to learn specific outcomes.

7. Describe or plan what they need to do to meet the goals.

8. List/show what they believe represent their greatest accomplishments or areas of progress.

9. Describe how their thinking has changed over time.

10. Respond to the question: What advice do you have for your teacher?

Implementation: What to Expect

Getting started is perhaps the most difficult part of using portfolios. Start small and remember that the portfolio will be a unique reflection of your instructional goals. It is an opportunity to build into your instruction-assessment system the knowledge and skills you believe are most important.

The first step in planning to use portfolios in your classroom is to determine what your purposes are in implementing portfolios. These purposes may include one or several of the following:

- To promote students' self-reflection skills.
- To enhance students' motivation, responsibility, and ownership of their learning.
- To give students useful feedback on their attainment of important unit or course goals.
- To enhance communication with parents.
- To show growth over time.
- To show the process by which work is done, as well as final products.
- To illustrate how citizens apply thinking strategies to knowledge in making important decisions.
- To demonstrate the extent to which course/program outcomes have been met.

Next, think carefully about the goals or outcomes you want the students to address through their portfolios. These may include any combination of knowledge, thinking, behavior/action, and values-oriented goals. Describe your goals as clearly as you can. Specifying these goals more explicitly than you may previously have done may require that you rethink the instructional strategies and materials you will use to help students achieve these goals.

Decide how the portfolio will be used to track progress toward these goals. What tasks will you develop that will allow students to demonstrate progress toward the goals you have established. What kinds of work will be included in the portfolio? For example, some of the kinds of work that may be appropriate are:

- Student's best work.
- An unsuccessful piece of work, along with the student's analysis of the problem.
- Works that show evidence of progress and/or mastery.
- Written teacher observations about student work.
- Written teacher evaluations of student progress, products, performances.

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- A "random" sample of student work.
- A discussion/analysis of the portfolio contents, including the student's self-assessments.
- Pieces that show work in progress.
- Works that represent cooperative efforts.

Each type of work may also take a variety of forms, including writing samples, videotapes, audiotapes, artwork, projects/products, and other forms.

At this point, you should be able to outline the general instructions you will give to students about the portfolio.

Exercise

Stop here and go through the steps outlined above. Your goal should be to create a statement of the important goals and outcomes you want students to address through their portfolios, along with an outline of the work you believe will address those goals.

Based on the goals you have identified and the types of work you think will show progress toward those goals, develop criteria for evaluating the portfolio. Depending on your needs and purposes, this may include assessing the entire portfolio, individual entries, the portfolio presentation, or some combination of these. Use the criteria to develop a rubric for the portfolio, just as you would develop a rubric for another type of assessment. Make sure that your rubric clearly identifies what constitutes an exemplary portfolio.

When you reach this point, you will have the intellectual structure for using portfolios in your classroom. Next, you must consider some more practical questions. The next key question to address is who will select the pieces of work. Generally, student selection of work is most conducive to development of self-reflection, but you may want to have parents, peers, or school staff choose items as well. Conferencing on the reasons why student's own selections may differ from that of their parents, peers, or teachers may provide valuable insights.

A related question is who will manage the portfolio; that is, who provides the physical container, organizes the material, and the like. Again, while student management has benefits in terms of developing self-evaluation skills, you may have reasons for choosing a different option. As you think about the management issue, you may also want to consider any limits on size, storage issues, and the like that could arise. You may need to limit the number of pieces that a student can include in his/her portfolio, or the portfolios could take over your classroom!

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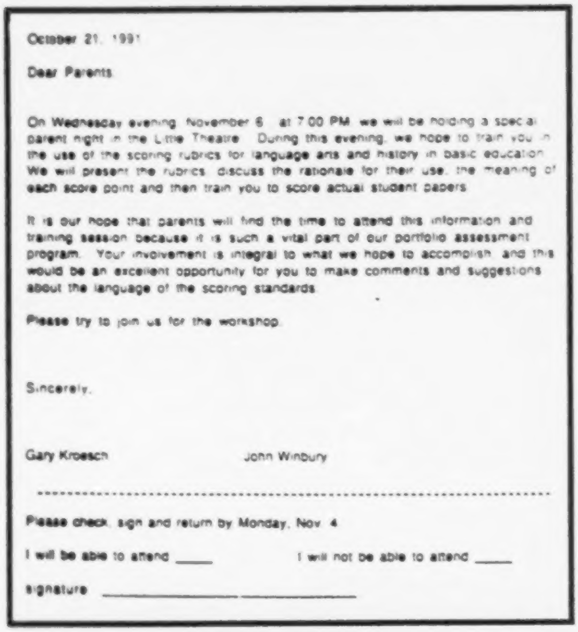
Think through what is required on each work sample. You will likely want a date on each item, as well as the student's name (and possibly your own name and the class). Will you require a justification for including each item or another form of self-reflection for every item, or will self-reflection be required for only some items? Will you, a peer, or a parent provide reflections on all, some, or none of the items? What form will reflections take—checklists, journal entries, completion of open-ended sentences? Will they be written or oral (tape-recorded)?

When will you provide time for students to work on their portfolios and to conference with you, or others who will provide feedback? However you plan to use portfolios, they should be a central part of your course, not something that is hastily assembled to obtain credit or viewed as "just another assignment." Paying particular attention to conferencing is important. Conferencing is an important aspect of developing self-reflection, as it allows students to talk through their reasons for including various work samples in their portfolios. Conferencing can also be incredibly time consuming, however. One way to ease the time burden is to involve others in conferencing. Teachers at Black Mountain Middle School have involved parents and community persons in the conferencing process, both throughout the year and in the culminating activity. Figure 9.3 presents materials that Black Mountain staff members have used to involve others in the conferencing process.

Finally, you will need to plan a strategy for introducing portfolios to students. Initially, convincing students that assembling a portfolio is a worthwhile task may be challenging; therefore, careful thought should go into how to introduce the portfolio. Many teachers have found it useful to ask people who have professional portfolios, such as interior designers, artists, or writers, to share their portfolios and talk about how they decide what to include and the process of updating their portfolios or tailoring them to show specific skills or knowledge. Recognizing that portfolios serve a function in the "real" world can motivate students to take this task seriously.

Another strategy that teachers have found effective is to keep their own portfolios showing progress toward personal goals and to share those portfolios with the class. The goals may be related to the goals students are pursuing; for example, if students' portfolios are to show their readiness to hold the office of citizen, the teacher could keep a similar portfolio. On the other hand, the goals might be related to teaching—that is, your portfolio might demonstrate your growth as a civics teacher.

Of course, a key part of introducing the portfolio to students will be describing how the portfolio will demonstrate their progress toward important goals you have for the class, as well as sharing the criteria you will use to assess the portfolios. Explain to students that the products that go in the portfolio will represent evidence of their effort to meet goals.



October 21, 1991

Dear Parents

On Wednesday evening, November 6, at 7:00 PM, we will be holding a special parent night in the Little Theatre. During this evening, we hope to train you in the use of the scoring rubrics for language arts and history in basic education. We will present the rubrics, discuss the rationale for their use, the meaning of each score point and then train you to score actual student papers.

It is our hope that parents will find the time to attend this information and training session because it is such a vital part of our portfolio assessment program. Your involvement is integral to what we hope to accomplish, and this would be an excellent opportunity for you to make comments and suggestions about the language of the scoring standards.

Please try to join us for the workshop.

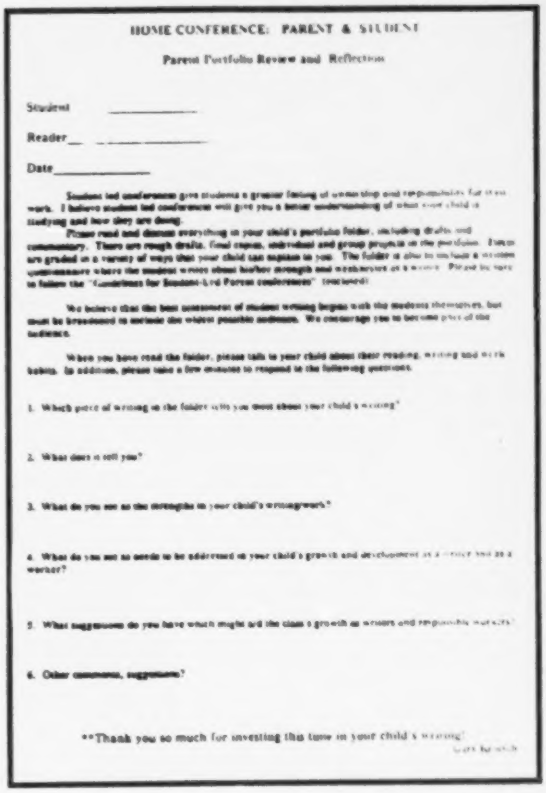
Sincerely,

Gary Kroesch John Winbury

Please check, sign and return by Monday, Nov. 4

I will be able to attend ____ I will not be able to attend ____

signature ______________________________



HOME CONFERENCE: PARENT & STUDENT

Parent Portfolio Review and Reflection

Student ____________

Reader ________________

Date______________

Student led conferences give students a greater feeling of ownership and responsibility for their work. I believe student led conferences will give you a better understanding of what your child is studying and how they are doing.

Please read and discuss everything in your child's portfolio folder, including drafts and commentary. There are rough drafts, final copies, individual and group projects in the portfolio. These are graded in a variety of ways that your child can explain to you. The folder is also to include a written questionnaire where the student writes about his/her strength and weaknesses as a writer. Please be sure to follow the "Guidelines for Student-Led Parent conferences" (enclosed).

We believe that the best assessment of student writing begins with the students themselves, but must be broadened to include the widest possible audience. We encourage you to become part of the audience.

When you have read the folder, please talk to your child about their reading, writing and work habits. In addition, please take a few minutes to respond to the following questions.

1. Which piece of writing in the folder tells you most about your child's writing?

2. What does it tell you?

3. What do you see as the strengths in your child's writing/work?

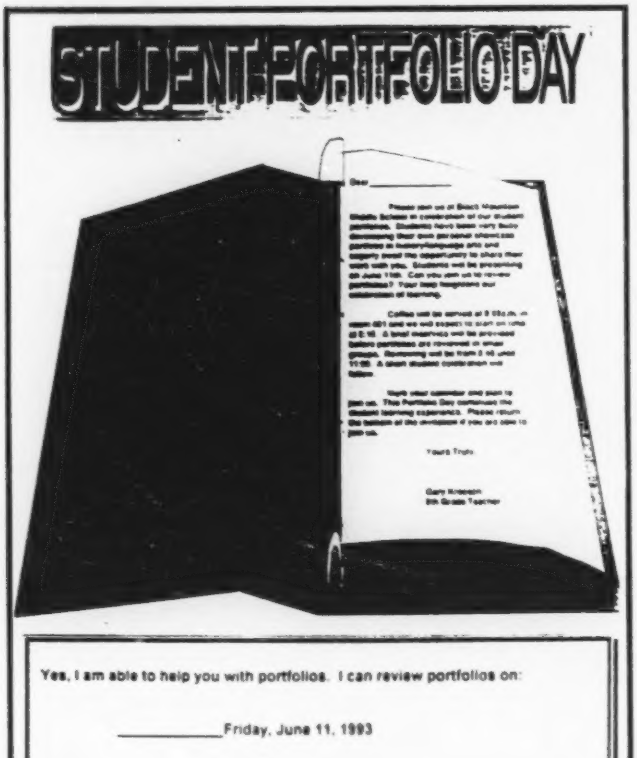
4. What do you see as needs to be addressed in your child's growth and development as a writer and as a worker?

5. What suggestions do you have which might aid the class's growth as writers and responsible workers?

6. Other comments, suggestions?

**Thank you so much for investing this time in your child's writing!

Gary Kroesch



STUDENT PORTFOLIO DAY

Dear ____________

Yours Truly

Gary Kroesch
8th Grade Teacher

Yes, I am able to help you with portfolios. I can review portfolios on:

____________Friday, June 11, 1993

Figure 9.3. Materials for involving others in portfolio conferencing.

Some teachers have reported that students do not work hard on their portfolios unless the portfolios are graded. A strategy used to address this concern is creating opportunities for students to showcase their portfolios. Another strategy is to incorporate major tests in the portfolios.

The advantages of using portfolios are worth the initial work required to incorporate them into your class. Because designing and assembling a portfolio is a thought-provoking and creative process, it can be continuously modified and refined as your instructional goals change.

Pitfalls and Challenges in Using Portfolios

As with any new assessment task and rubric, portfolios will not likely provide perfect results on first usage. Your first set of portfolios—or your first round of conferences with a class creating portfolios—should prompt reflection on your instruction, the portfolio directions you provided students, and the criteria with which you are working. Figure 9.4 lists some common problems teachers encounter in implementing portfolios, along with some strategies for improvement.

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Portfolio Trouble-Shooting

Potential Problems	Strategies for Improvement
Portfolio has too many work samples	Reconsider portfolio purpose(s) Reconsider selection criteria Examine organization
Portfolio only contains worksheets	Expand variety of instructional activities and assessments Consider other storage options
Portfolio contains or resembles cumulative file	Examine definition and purpose of portfolio Consider philosophy of portfolio assessment as student-centered
Portfolio contents show no evidence of self-reflection	Examine definition and purpose of portfolio Have students participate in selection process Help students understand why samples are included
Student has more than one portfolio	Focus on coordination between teachers and programs
Portfolio contents show no evidence of feedback to students	Instructional goals and performance standards are clear and articulated Develop and use scoring rubrics
Students are not sure how to select portfolio pieces	Articulate portfolio purposes and selection criteria for contents Maintain student-teacher communication through conferencing Align instructional strategies with portfolio philosophy
Students are not sure what to do to meet academic goals	Maintain student-teacher communication through conferencing Align instructional strategies with portfolio philosophy Develop and use scoring rubrics
Teachers experience difficulty calculating grades	Consider options for determining grades based on portfolio contents Establish a grading policy that is aligned with portfolio assessment
Parents are concerned and/or confused about portfolios	Involve parents in decision-making Provide parent education on portfolios Involve parents in responding to portfolio contents
Teachers are overwhelmed and overworked	Implement portfolios gradually Provide staff development and planning opportunities Involve students in portfolio process Schedule portfolio assessment into daily class schedule
Portfolios pose a storage problem	Consider options; talk to others implementing portfolios Collect fewer work samples

Figure 9.4. Portfolio Trouble-Shooting.

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Appendix: Teacher Profiles

This appendix presents profiles of many of the teachers who are featured throughout this book. The profiles are intended to give you a better sense of the contexts in which the teachers work. In addition, some of the profiles include background on teachers' course outlines or approaches that may be useful in thinking about identifying essential learnings in civic/law-related education.

Kathy Bell

Kathy Bell is division head and teacher at Mundelein High School in Chicago's northwestern suburbs. She also conducts teacher-training workshops on law-related education for the Constitutional Rights Foundation.

Kathy teaches an Introduction to Law course designed to provide learning opportunities from which students draw insights that they can use to demonstrate their understanding of important principles of American law and legal system. The course goals include:

- Providing students with a practical understanding of law and the legal system useful to them in their everyday lives.
- Improving students' understanding of the fundamental principles and values underlying the U.S. Constitution, laws, and legal system.
- Promoting students' awareness of current legal issues and law-related controversies.
- Encouraging student participation as effective citizens in the legal system.
- Bringing about a greater sense of justice, tolerance, and fairness in students' dealings with others.
- Developing students' willingness and ability to resolve disputes through informal and, where necessary, formal mechanisms.
- Improving students' skills of critical thinking and reasoning, communication, observation, and problem-solving.

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- Improving students' understanding of the roles that lawyers, law enforcement officers, and others play in the legal system.

Kathy takes an activity-oriented approach to the course, involving students in mock trials, writing and analyzing laws and legal processes, reading/writing case studies, and interacting with representatives of the legal community. The questions students address in the course's four units are:

- Unit I: What is the structure and function of American law?

  What is law? How are laws made? Can they be changed? Where do laws come from? How do laws protect our rights? What, if any, are the limits of law?

- Unit II: What is the role of law in settling civil disputes in a diverse society?

  What happens when a group or individual feels that his/her or their rights have been violated? What, if any, methods exist to resolve civil disputes? Do you always have to go to court? What happens when your family's religious beliefs or cultural beliefs conflict with the U.S. law? Is our legal system like that of other countries? Do you have rights as a member of your family under law? Do you also have legal responsibilities? What determines if a case is civil or criminal?

- Unit III: What is the role of law when a legal action is brought by the government against a person charged with committing a crime?

  For what conduct or behavior does our society punish someone? What causes crime? Do victims have rights? What rights do you have if you are accused of a crime? What are your rights when you are a minor? Are you ever treated as an adult for a crime committed while a minor? Under what circumstances can the police search your house? your car? you? When do you need a lawyer? How does a judge conduct a trial? Do you have to serve on a jury if you are chosen? What is it like in prison? Do the guilty ever go free? What if you are an attorney and you know your client is guilty? Do you defend him or her anyway? Should the death penalty be imposed on a teenager, or anyone, for that matter?

- Unit 4: What is the role of law in regard to individual rights and liberties?

  What rights are guaranteed in the First Amendment? Are there limits to freedom of speech, religion, and/or expression? What does the right to privacy, due process, and equal protection mean under the law? How are our individual liberties alike or different from those in other cultures? What is the role of the justices on the Supreme Court? Do they ever change their minds? How do their decisions affect you?

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For the past several school years, Kathy has devoted a great deal of effort to improving assessment in all her classes. Reflecting on the work she has done, she expresses a sentiment many of our teachers would concur with: "no matter what I do in the name of better assessment, there always seem to be more questions than answers."

Greg Clevenger

Greg Clevenger has taught social studies for 21 years in the Rochester (MI) community schools. Currently, Greg teaches world geography and U.S. history at Van Hoosen Middle School in Rochester.

Greg piloted the practical law class at Adams High School in 1979-80. More than 400 students, grades 10-12, signed up annually for Practical Law, making it one of Michigan's most popular social studies electives. Greg also served as advisor for Michigan's first student court.

In the 1993-94 school year, Greg taught AP government to seniors at Okemos (MI) High School. During the one-year course, Greg experimented with authentic assessment rubrics, including scored public issues discussions, moot courts, and new ways to assess student writing.

Nancy Deese

Nancy Deese is the Instructional Coordinator for Social Studies, Foreign Language and Art at Naperville North High School in Naperville, Illinois. She has spent the last several years developing the government curriculum in her department to reflect both law-related education and authentic assessment elements. Today, students at Naperville North have opportunities to experience these as they enroll in American Government, Street Law, State and Local Government, and a new enriched government course called Special Topics: The Supreme Court (1954-1994).

Each of the teachers involved with these curricula has had opportunities to develop authentic, law-related activities as well as to develop assessment tools that reflect this authenticity.

Street Law:

- ◆ Mock Trials
- ◆ Discussions
- ◆ Role Plays
- ◆ Debates

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State and Local Government:

- City Council Meetings (simulated)
- Mock State Legislative Sessions
- Writing a Bill
- Writing Letters to State Representatives
- Mock School Board Policy Meeting

American Government:

- Mock Constitutional Convention
- Moot Court Exercises
- Mock Senate Committee Meeting
- Reelection campaign planning for Senate candidates

Special Topics: The Supreme Court (1954-1994):

- Role Playing Exercises
- Moot Court Exercises
- Writing Legal Briefs
- Writing Judicial Opinions

As students move through this sequence of governmental courses, they find themselves developing critical thinking skills by being asked to process information and then analyze what it means so that they can eventually show that they understand it by applying what they have learned in independent situations such as moot courts, mock trials, and discussions. The school mission for Naperville North High School is to graduate students who think critically, solve problems, make decisions, and have the skills necessary for productive citizenship and life-long learning. The infusion of law-related, authentic activities is clearly moving the Social Studies department at Naperville North in a direction that will allow it to successfully accomplish its mission.

Jackie Johnson

Jackie Johnson teaches in the Cherry Creek school district in suburban Denver, Colorado. This district has offered teachers a great deal of support for developing and integrating more authentic assessment into instruction. As part of staff development, teachers have been asked to submit an authentic instructional activity and performance assessment for peer review within and across departments. This expectation, coupled with workshops with nationally-recognized experts such as Grant Wiggins, has given Jackie and other Cherry Creek teachers a context

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for trying performance assessment. Jackie teaches eighth-grade American Studies at Campus Middle School, with a focus on citizenship and law. Jackie places a great deal of emphasis on helping students learn about the U.S. Constitution and the Bill of Rights in both a historical and contemporary context. Jackie's course of study:

First Semester:

We the People materials provide the skeleton for a semester of study that culminates in a mock congressional hearing. Simulations, literature, analysis of documents, and writing exercises are key instructional activities. Emphasis is placed on the influence of the founding documents on daily lives, the democratic values and principles on which the Constitution is based, and exploring the rights and responsibilities of citizenship.

Second Semester:

Students deepen their understanding of the Constitution through participation in a series of mini-units on current affairs and the role of the U.S. in the world. Last year, second semester units included civil rights, First Amendment, judicial processes, foreign policy, and service learning.

The following highlights from an end of-the-year letter to parents provide a feel for the value that Jackie places on performance and authenticity.

During this year students have successfully demonstrated citizenship knowledge and skills by...

- *Presenting testimony to the community (legislators, school board members, parents, professors and high school teachers) through the* We the People *simulated congressional hearing.*
- *Reenacting a controversial First Amendment Supreme Court case on flag burning performed as a moot court before nine peers dressed in black robes and the "press." Arguments, decisions and cartoons from this exercise appeared in the* CMS Literary Magazine.
- *Performing* Vickers v. Hearst *in the moot courtroom, with coaching from University of Denver law students, and having a law professor tell them that many performances equaled that of law students.*
- *Preparing detailed briefings on the nation's foreign policies toward Haiti, China, North Korea, Somalia, Bosnia, and South Africa as part of the* Beneath the Iceberg *presentation.*
- *Designed posters featuring significant "Turning Points of Equality" for display in the commons art gallery.*
- *Contributing time and sweat to a range of community agencies following research on a societal problem. "My Turn" es-*

says in the Newsweek *format provided opportunity for reflection.*

Ginny Jones

Ginny Jones teaches at Skyline High School in Longmont, Colorado, a rapidly growing city of 50,000 north of the Denver-Metro area. Ginny, who has taught a wide variety of social studies courses, is currently teaching Street Law and geography. Her classes include many students with low motivation and a history of low achievement. Ginny emphasizes high levels of involvement and tries to develop a sense of responsibility for their own learning among her students.

An expert in technology's uses in education, Ginny also incorporates the use of computers into her classes. For example, students present the results of research through the creation of hypercard stacks rather than through traditional research papers.

As the former social studies consultant for the state of Colorado, Ginny has conducted teacher-training activities on a wide range of topics related to social studies education. She also served as the executive secretary for the Colorado Council for the Social Studies.

Gary Kroesch

Gary Kroesch is proud to say that he is a teacher and continues to grow and share his knowledge and experiences by serving as a mentor teacher in the Poway Unified School District in San Diego, where he teaches at Black Mountain Middle School.

Gary's professional experiences have provided him opportunities to learn and explore new frontiers in history/social sciences. His areas of research interest include the Han Dynasty, the Black Death, Salem 1692, and social movements in America. Over the years, he has stockpiled a rich library of resources. Through his affiliation with the University of California-San Diego, he has connected with teachers across the grades, across the county.

Gary's classroom program invites interaction between student and content. Collaboration is common on many assignments, projects, and performances. Students understand and use explicit standards for judging the quality of their work and others' work. Students take responsibility for demonstrating what they know and can do. Gary looks at growth and development over time. Students take pride in their work and include self-evaluation and reflection for each project or performance.

Gary has been a member of the CLAS development team and has presented on alternative assessment, particularly portfolio assessment, at national and state conferences.

Sally McElroy

Sally McElroy teaches social studies at Frederick Middle/Senior High School. Located in a rural community 25 miles north of Denver, the school enrolls approximately 525 students in grades 7-12.

U.S. history, which Sally teaches, and American literature/composition are coordinated. Students meet with each teacher for a 90-minute block each day for one semester. Because the small size of the school dictates the schedule, the history and literature teachers aren't able to teach the students together, although the same students are in both classes.

The units of study in the coordinated course, along with the assessment for each unit, are listed below:

- Huck Finn and the First Amendment; debate.
- Civil War; research paper.
- Immigration; simulated congressional hearing.
- Turn of the Century; essay.
- 20s and 30s; scored discussion.
- The 50s and the American Dream (Civil Rights); essay.
- Vietnam and Foreign Policy; hypercard project.

Theresa Murray

Theresa Murray teaches language arts, literature, and social studies to eighth-graders in Portland, Oregon. Beaumont Middle School, where Theresa works, is in northeast Portland and serves a population that is one-third minority students. During the school day, Theresa has the same group of mixed-ability students for a 132-minute block of time.

The district social studies curriculum guides eighth grade to explore American history from the 1700s to the Civil War; Oregon history is also covered. Most of Theresa's class work integrates the three disciplines for which Theresa is responsible. For example, she organizes various literature studies around periods of American history.

Mock trials are used as part of Theresa's Constitution unit of study and then throughout the rest of the curriculum whenever possible. All classes tour the Multnomah County courthouse as a part of their Constitution study.

Other performances assessed throughout the year include:

- Revolutionary War illustrated timeline.
- Big Book version of the Bill of Rights.

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- Civil War newspaper complete with political cartoon, editorials, letters to the editor, and news accounts of battles.
- "In Character" Tea Party as an Oregon pioneer.

Roger Westman

Roger Westman is social studies department chair and teacher at Wilson High School in Tacoma, Washington, where he teaches You and the Law/Civics and World Problems. Roger's approach to student learning experiences involves two distinct areas: (1) the acquiring of basic foundational knowledge, and (2) the application of this knowledge in personal decision making. He attempts to integrate and connect new knowledge to prior understandings through challenging classroom activities. Through LRE activities, he seeks to help students achieve a higher order of critical thinking.

Students must be able to substantiate and defend their positions on a variety of issues in order to be the intelligent electorate of the future. To this end, seniors at Wilson are exposed to two sequenced classes: World Problems and Civics. The You and the Law/Civics course is an alternative to the traditional civics or American government course. The course emphasizes the following major units:

- Unit I: Basic Concepts of a Democracy and the Principles of the Constitution
- Unit II: Personal Rights, Freedoms, and Liberties
- Unit III:The Law-Making Process
- Unit IV: The Enforcement of the Law
- Unit V: The Resolution of Conflict

The units covered in the World Problems course are:

- Unit II: Environmental Issues
- Unit I: Overpopulation
- Unit III: Illegal Immigration
- Unit IV: Terrorism
- Unit V: Economic Challenges

Demonstration of critical thinking skills is accomplished through simulations and "position taking" activities (e.g., opinion polls, posters, scored discussion, debates). Rubrics are used to evaluate the level of "demonstrated understanding."

One of the challenges Roger has identified is that students have not been taught in the lower grades to be accountable for their opinions and positions on issues. Impulsive, emotional reactions seem to be the driving force for action, rather than intelligent analysis, evaluation, use of

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factual data or experiences. While teaching 12th-graders to use these strategies can produce frustration for both teacher and students, the end result makes the effort worthwhile.

Kent Willmann

The 1993-94 school year was the pilot year for an integrated U.S. history and American literature/composition class called American Studies at Longmont High School in Longmont, Colorado. Kent Willmann, a social studies teacher, and Dorotha Ekx, an English teacher, worked together to implement this semester-long class, which ran through two 90-minute blocks per day, with a 20-minute break between blocks. The class was taught in two rooms connected by a door but lacking a removable wall.

Longmont is a suburban, semi-agricultural middle class community, with 90 percent Anglo residents. The class consisted of 60 heterogeneously mixed juniors, primarily middle to low-achievers (many high-achievers take A.P. history instead). The class also included seven educationally handicapped students, one of whom was taking her first mainstreamed academic course, and two exchange students with language difficulties.

Because of district emphases, students are accustomed to classes that focus on:

- The student as a worker and active learner.
- Conceptual learning, higher level thinking skills, and application of learning.

Kent and Dortha were assisted in the class by a special education teacher who was in the room for one 90-minute block each day and a student intern who was in the room two or three days per week. Having this additional assistance allowed Kent and Dortha to individualize instruction for many students. In facts, students often requested feedback and coaching from the teacher they thought could best meet their needs. The special ed teacher felt that the integration of not only the special ed students but also the teacher removed much of the stigma that is felt by these individuals.

As described in Chapter 7, each unit in the class is organized around an assessment, usually a product or performance, that enables students to display what they have learned. The unit is introduced, along with the assessment and rubric; students then gather and process information and prepare and revise their assessment products.

Among the assessment products students create are:

- Contrasting perspective journal entries on Native Americans and European settlers.
- Cartoons related to "Manifest Destiny."

- Essays on McCarthyism and *The Crucible*.
- Illustrated timelines related to civil rights.
- A debate on *Huck Finn* and the First Amendment.
- Letters to public officials on current policy issues.

The final for the course is a letter to the principal, reflecting on what was learned in the course and explaining why the student should be allowed to earn credit in the course.

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